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2d Session

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Nomination and Election of the President and Vice President of the United States, 2008

Including the Manner of Selecting
Delegates to
National Party Conventions

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SENATE RESOLUTION 589

In the Senate of the United States

July 21, 2010

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106–16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

NANCY ERICKSON,
Secretary

FOREWORD

This document is a compilation of the constitutional provisions, federal and state laws, and rules of the two major political parties governing the nomination and election of the President and Vice President of the United States. It lists the states holding presidential preference primaries and the dates of such primaries; it also describes the manner of selecting delegates to the national conventions, the dates such selections are to be made, and the number of delegates to be selected. Two surveys of the rules of the major political parties and of the election laws of the fifty states and the District of Columbia are included relating to the selection of delegates to the national nominating conventions and to the nomination and election of electors of the President and Vice President. Abstracts of the laws relating to minor and new parties and independent candidates are also included in the surveys.

The information contained here is based on the federal and state laws in effect as of January 1, 2008. Party rules, delegate selection plans, and various state laws referred to in this document may have been amended subsequent to publication.

The analysis of significant court decisions and ethics laws was prepared by L. Paige Whitaker and Jack Maskell, legislative attorneys of the American Law Division, Congressional Research Service, Library of Congress for the Senate Committee on Rules and Administration, under the supervision of Karen J. Lewis, Assistant Director of the American Law Division and T.J. Halstead, Deputy Assistant Director.

CONTENTS

Foreword, III

Table of Contents, V

Important Dates, VII

Part I. Federal Constitutional Provisions and Laws Governing the Election of the President and Vice President of the United States, 1

A. United States Constitution, 1
B. Election of the President (Title 3, United States Code), 5
C. Voting Rights Act Amendments of 1970—Residence Requirements (Title 42, United States Code), 13
D. Campaign Financing, Reporting and Disclosure (Title 2, United States Code), 16
E. Financial Disclosure Requirements of Executive Personnel, Including Candidates for Nomination or Election to the Office of President or Vice President (Title 5, United States Code Appendix), 81
F. Personal Financial Disclosure by Federal Candidates, 107
G. Political Activities: Federal Employees (Title 5, United States Code), 109
H. Political Activities: State and Local Employees (Title 5, United States Code), 113
I. Criminal Code Provisions (Title 18, United States Code), 118
J. Internal Revenue Code, Political Campaign Debts and Contributions (Title 26, United States Code), 126
K. Public Financing of Presidential Elections (Title 26, United States Code), 139
L. Communications Media (Title 47, United States Code), 165

Part II. Nomination of the President and Vice President, 170

A. Calendar for Party Caucuses/Conventions and Presidential Primaries, 170
B. Significant Court Decisions Affecting Delegate Selection Procedures and the Convention System, 172
C. FEC Regulations on Delegates and Delegate Committees, 176
D. Guide to the 2008 Democratic Party Delegate Selection Rules, 182
E. Rules of the Republican Party Relating to the Convening of the 2008 National Convention, 246

Part III. Survey of State Laws, Party Rules, Regulating the Selection of Delegates to the National Nominating Conventions, 269

A. Delegate Selection for the States, 269

B. Delegate Selection for Citizens Abroad and the Territories, 344

Part IV. State Laws Relating to the Nomination and Election of Presidential Electors, 346

A. Table of State Electoral College Votes, 346
B. Summary of State Laws Relating to Presidential Electors, 347

Part V. Tables Relating to Various Aspects of the Nomination and Election of the President and Vice President, 435

1. Presidents and Vice Presidents of the United States and the Congresses Coincident with Their Terms, 436
2. Electoral Vote for President, by Major Political Parties—States: 1956 to 2004, 437
3. Popular Vote Cast for President, by Political Parties—Regional and States 1976 to 2004, 438

IMPORTANT DATES

August 25–28, 2008—Democratic National Convention in Denver, Colorado.
September 1–4, 2008—Republican National Convention in Minneapolis, Minnesota.
November 4, 2008—General Election in all States.
December 15, 2008—Date of meeting of electors (Electoral College).
January 6, 2009—Counting of electoral votes by joint session of Congress.

Dates for Party Caucuses/Conventions and Presidential Primaries in 2008

Date	State	Party	Caucus/Convention/Primary
January 3	Iowa	D&R	Caucuses
January 5	Wyoming	R	County Convention
January 8	New Hampshire	D&R	Primary
January 15	Michigan	D&R	Primary
January 19	Nevada	D&R	Caucuses
January 19	South Carolina	R	Primary
January 25	Hawaii	R	Caucuses (1/25–2/7)
January 26	South Carolina	D	Primary
January 29	Florida	D&R	Primary
February 1	Maine	R	Caucuses (2/1–2/3)
February 5	Alabama	D&R	Primary
February 5	Alaska	D&R	Caucuses
February 5	Arizona	D&R	Primary
February 5	Arkansas	D&R	Primary
February 5	California	D&R	Primary
February 5	Colorado	D&R	Caucuses
February 5	Connecticut	D&R	Primary
February 5	Delaware	D&R	Primary
February 5	Georgia	D&R	Primary
February 5	Idaho	D	Caucuses
February 5	Illinois	D&R	Primary
February 5	Kansas	D	Caucuses
February 5	Massachusetts	D&R	Primary
February 5	Minnesota	D&R	Caucuses
February 5	Missouri	D&R	Primary
February 5	Montana	R	Caucuses
February 5	New Jersey	D&R	Primary
February 5	New Mexico	D	Primary
February 5	New York	D&R	Primary
February 5	North Dakota	D&R	Caucuses
February 5	Oklahoma	D&R	Primary
February 5	Tennessee	D&R	Primary
February 5	Utah	D&R	Primary
February 5	West Virginia	R	State convention
February 9	Kansas	R	Caucuses
February 9	Louisiana	D&R	D–Primary; R–Caucuses
February 9	Nebraska	D	Caucuses
February 9	Washington	D&R	Caucuses
February 10	Maine	D	Caucuses
February 12	District of Columbia	D&R	D–Caucuses; R–Primary
February 12	Maryland	D&R	Primary
February 12	Virginia	D&R	Primary
February 19	Hawaii	D	Caucuses
February 19	Wisconsin	D&R	Primary

Dates for Party Caucuses/Conventions and Presidential Primaries in 2008—Continued

Date	State	Party	Caucus/Convention/Primary
March 4	Rhode Island	D&R	Primary
March 4	Ohio	D&R	Primary
March 4	Texas	D&R	Primary
March 4	Vermont	D&R	Primary
March 8	Wyoming	D	Caucuses
March 11	Mississippi	D&R	Primary
April 22	Pennsylvania	D&R	Primary
May 6	Indiana	D&R	Primary
May 6	North Carolina	D&R	Primary
May 13	Nebraska	R	Advisory-only primary
May 13	West Virginia	D	Primary
May 20	Kentucky	D&R	Primary
May 20	Oregon	D&R	Primary
May 27	Idaho	D&R	D–Non-binding primary; R–Primary
June 3	Montana	D	Primary
June 3	New Mexico	R	Primary
June 3	South Dakota	D&R	Primary
June 28	Nebraska	R	State Convention

PART I. FEDERAL CONSTITUTIONAL PROVISIONS AND LAWS GOVERNING THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

A. United States Constitution

ARTICLE II—THE PRESIDENT

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

AMENDMENT XII—PRESIDENTIAL ELECTORS

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority; then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing

the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

AMENDMENT XX—COMMENCEMENT OF THE TERMS OF THE PRESIDENT, VICE PRESIDENT, AND MEMBERS OF CONGRESS

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, and unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXII—LIMITATION ON PRESIDENTIAL TERMS

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

AMENDMENT XXIII—PRESIDENTIAL ELECTORS FOR DISTRICT OF COLUMBIA

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

AMENDMENT XXIV—BAN ON POLL TAX

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV—SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY: INABILITY OF PRESIDENT

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI—RIGHT TO VOTE—CITIZENS EIGHTEEN YEARS OF AGE OR OLDER

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

B. Election of the President (Title 3, United States Code)

3 U.S.C. § 1. Time of appointing electors

The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (June 25, 1948, ch. 644, 62 Stat. 672.)

3 U.S.C. § 2. Failure to make choice on prescribed day

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (June 25, 1948, ch. 644, 62 Stat. 672.)

3 U.S.C. § 3. Number of electors

The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives had been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (June 25, 1948, ch. 644, 62 Stat. 672.)

3 U.S.C. § 4. Vacancies in electoral college

Each State may, by law, provide for the filing of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (June 25, 1948, ch. 644, 62 Stat. 673.)

3 U.S.C. § 5. Determination of controversy as to appointment of electors

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determinations made have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, as far as the ascertainment of the electors appointed by such State is concerned. (June 25, 1948, ch. 644, 62 Stat. 673.)

3 U.S.C. § 6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvas or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration. (June 25, 1948, ch. 644, § 1, 62 Stat. 673; Oct. 31, 1951, ch. 655, § 6, 65 Stat. 711; Pub. L. 98–497, title I, § 107(e)(1) in part, (2)(A), Oct. 19, 1984, 98 Stat. 2291.)

3 U.S.C. § 7. Meeting and vote of electors

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct. (June 25, 1948, ch. 644, 62 Stat. 673.)

3 U.S.C. § 8. Manner of voting

The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (June 25, 1948, ch. 644, 62 Stat. 674.)

3 U.S.C. § 9. Certificates of votes for President and Vice President

The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of

the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (June 25, 1948, ch. 644, 62 Stat. 674.)

3 U.S.C. § 10. Sealing and endorsing certificates
The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given Vice President, are contained therein. (June 25, 1948, ch. 644, 62 Stat. 674.)

3 U.S.C. § 11. Disposition of certificates
The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:
First. They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.
Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.
Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of his office and shall be open to public inspection.
Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled. (June 25, 1948, ch. 644, § 1, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 7, 65 Stat. 712; Pub. L. 98–497, title I, § 107(e)(1) in part, Oct. 19, 1984, 98 Stat. 2291.)

3 U.S.C. § 12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on state for certificate
When no certificate of vote and list mentioned in sections 9 and 11 of this title from any State shall have been received by the President of the Senate or by the Archivist of the United States by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government. (June 25, 1948, ch. 644, § 1, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 8, 65 Stat. 712; Pub. L. 98–497, title I, § 107(e)(1) in part, (2)(B), Oct. 19, 1984, 98 Stat. 2291.)

3 U.S.C. § 13. Same; demand on district judge for certificate

When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government. (June 25, 1948, ch. 644, § 1, 62 Stat. 674; Oct. 31, 1951, ch. 655, § 9, 65 Stat. 712; Pub. L. 98–497, title I, § 107(e)(1) in part, Oct. 19, 1984, 98 Stat. 2291.)

3 U.S.C. § 14. Forfeiture for messenger's neglect of duty

Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of $1,000. (June 25, 1948, ch. 644, 62 Stat. 675.)

3 U.S.C. § 15. Counting electoral votes in Congress

Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules of this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the State of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker

of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors, whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. (June 25, 1948, ch. 644, 62 Stat. 675.)

3 U.S.C. § 16. Same; seats for officers and Members of two Houses in joint meeting

At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front

of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted at the hour of 10'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House. (June 25, 1948, ch. 644, 62 Stat. 676.)

3 U.S.C. § 17. Same; limit of debate in each House

When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate. (June 25, 1948, ch. 644, 62 Stat. 676.)

3 U.S.C. § 18. Same; parliamentary procedure at joint meeting

While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw. (June 25, 1948, ch. 644, 62 Stat. 676; Sept. 3, 1954, ch. 1263, § 368, Stat. 1227.)

3 U.S.C. § 19. Vacancy in offices of both President and Vice President; officers eligible to act

(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs, Secretary of Homeland Security.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President (June 25, 1948, ch. 644, § 1, 62 Stat. 677; Pub. L. 89–174, § 6(a), Sept. 9, 1965, 79 Stat. 669; Pub. L. 89–670, § 10(a), Oct. 15, 1966, 80 Stat. 948; Pub. L. 91–375, § 6(b), Aug. 12, 1970, 84 Stat. 775; Pub. L. 95–91, title VII, § 709(g), Aug. 4, 1977, 91 Stat. 609; Pub. L. 96–88, title V, § 508(a), Oct. 17, 1979, 93 Stat. 692; Pub. L. 100–527, § 13(a), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 109–177, title V, § 503, March 9, 2006, 120 Stat. 247.)

3 U.S.C. § 20. Resignation or refusal of office

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State. (June 25, 1948, ch. 644, 62 Stat. 678.)

3 U.S.C. § 21. Definitions

As used in this chapter the term—

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners of the District of Columbia.

(Added Pub. L. 87–389, § 2(a), Oct. 4, 1961, 75 Stat. 820.)

C. Voting Rights Act Amendments of 1970—Residence Requirements (Title 42, United States Code)

CHAPTER 20.—ELECTIVE FRANCHISE

In 1970 Congress enacted the Voting Rights Act Amendments of 1970 (Pub. L. 91–285, 84 Stat. 314), which provided in title II, section 202 for the abolition of durational residency requirements for voting in presidential elections and required the States to provide for absentee registration and voting in presidential elections:

42 U.S.C. § 1973aa–1. Residence requirements for voting

(a) *Congressional findings.*

The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

(1) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

(2) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

(3) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1, of the Constitution;

(4) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such offices because of the way they may vote;

(5) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the law that are guaranteed to them under the fourteenth amendment; and

(6) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

(b) *Congressional declaration: durational residency requirement, abolishment; absentee registration and balloting standards, establishment.*

Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (1) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (2) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

(c) *Prohibition of denial of rights to vote because of durational residency requirement or absentee balloting.*
No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; nor shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

(d) *Registration: time for application; absentee balloting; time of application and return of ballots.*
For the purposes of this section, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(e) *Change of residence; voting in person or by absentee ballot in State of prior residence.*
If any citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason, does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (1) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (2) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal if he satisfies, but his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

(f) *Absentee registration requirement.*
No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any requirement of registration that does not include a provision for absentee registration.

(g) *State or local adoption of less restrictive voting practices.*
Nothing in this section shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

(h) *Definition of "State".*
The term "State" as used in this section includes each of the several States and the District of Columbia.

(i) *False registration, and other fraudulent acts and conspiracies: application of penalty for false information in registering or voting.*
The provisions of section 1973i(c) of this title shall apply to false registration, and other fraudulent acts and conspiracies, committed under this section.
(Pub. L. 89–110, title II, § 202, as added Pub. L. 91–285, § 6, June 22, 1970, 84 Stat. 316.)

D. Campaign Financing, Reporting and Disclosure (Title 2, United States Code)

2 U.S.C. §§ 431. Definitions

When used in this Act:

(1) The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term "political committee" means—

(A) any committee, club, association, or other group of persons which receives contributions aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 316(b); or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in section 301 (8) and (9) aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term "principal campaign committee" means a political committee designated and authorized by a candidate under section 302(e)(1).

(6) The term "authorized committee" means the principal campaign committee or any other political committee authorized by a candidate under section 302(e)(1) to receive contributions or make expenditures on behalf of such candidate.

(7) The term "connected organization" means any organization which is not a political committee but which directly or

indirectly establishes, administers, or financially supports a political committee.
(8) (A) The term "contribution" includes—
(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or
(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.
(B) The term "contribution" does not include—
(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;
(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;
(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;
(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;
(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;
(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—
(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;
(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and
(III) shall bear the usual and customary interest rate of the lending institution;
(viii) any legal or accounting services rendered to or on behalf of—
(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or
(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.
but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;
(ix) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided*, That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;
(x) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign mate-

rials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communication or political advertising): *Provided,* That such payments are made from contributions subject to the limitations and prohibitions of this Act;
(xi) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided,* That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates;
(xii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access;
(xiii) any honorarium (within the meaning of section 323 of this Act); and
(xiv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans derived from an advance on the candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.
(9) (A) The term "expenditure" includes—
(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and
(ii) a written contract, promise, or agreement to make an expenditure.
(B) The term "expenditure" does not include—
(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;
(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;
(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of in-

fluencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 304(a)(4)(A)(i), and in accordance with section 304(a)(4)(A)(ii) with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed state card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 316(b), would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 315(b), but all such costs shall be reported in accordance with section 304(b);

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 304(b) by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection

with volunteer activities on behalf of nominees of such party: *Provided,* That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;
(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided,* That—
(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;
(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and
(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and
(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.
(10) The term "Commission" means the Federal Election Commission.
(11) The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.
(12) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.
(13) The term "identification" means—
(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and
(B) in the case of any other person, the full name and address of such person.
(14) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.
(15) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.
(16) The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee or organization.

(17) Independent expenditure. The term "independent expenditure" means an expenditure by a person—

(A) expressly advocating the election or defeat of a clearly identified candidate; and

(B) that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.

(18) The term "clearly identified" means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term "Act" means the Federal Election Campaign Act of 1971 as amended.

(20) Federal election activity.

(A) In general. The term "Federal election activity" means—

(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

(B) Excluded activity. The term "Federal election activity" does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

(ii) a contribution to a candidate for State or local office, provided the contribution is not designated to pay for a Federal election activity described in subparagraph (A);

(iii) the costs of a State, district, or local political convention; and

(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office.

(21) Generic campaign activity. The term "generic campaign activity" means a campaign activity that promotes a political party and does not promote a candidate or non-Federal candidate.

(22) Public communication. The term "public communication" means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

(23) Mass mailing. The term "mass mailing" means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(24) Telephone bank. The term "telephone bank" means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.

(25) Election cycle. For purposes of sections 315(i) and 315A and paragraph (26), the term "election cycle" means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

(26) Personal funds. The term "personal funds" means an amount that is derived from—

(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

(i) legal and rightful title; or

(ii) an equitable interest;

(B) income received during the current election cycle of the candidate, including—

(i) a salary and other earned income from bona fide employment;

(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

(iii) bequests to the candidate;

(iv) income from trusts established before the beginning of the election cycle;

(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

(vii) proceeds from lotteries and similar legal games of chance; and

(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property. (Pub. L. 92–225, title III, §§ 301, Feb. 7, 1972, 86 Stat. 11; Pub. L. 93–443, title II, §§ 201(a), 208(c)(1), Oct. 15, 1974, 88 Stat. 1272, 1286; Pub. L. 94–283, title I, §§ 102, 115(d), (h), May 11, 1976, 90 Stat. 478, 495, 496; Pub. L. 96–187, title I, §§ 101, Jan. 8, 1980, 93 Stat. 1339; Pub. L. 99–514, §§ 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106–346,

§§ 101(a), Oct. 23, 2000, 114 Stat. 1356; Pub. L. 107–155, title I, §§ 101(b), 103(b)(1), title II, Subtitle B, §§ 211, title III, §§ 304(c), March 27, 2002, 116 Stat. 85, 87, 92, 100.)

2 U.S.C. § 432. Organization of political committees

(a) *Treasurer vacancy; official authorization.*
Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

(b) *Account of contributions; segregated funds.*
(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.
(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—
(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and
(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.
(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) *Recordkeeping.*
The treasurer of a political committee shall keep an account of—
(1) all contributions received by or on behalf of such political committee;
(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;
(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;
(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and
(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

(d) *Preservation of records and copies of reports.*
The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this title for 3 years after the reports are filed. For any report filed in electronic format under section 304(a)(11), the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.

(e) *Principal and additional campaign committees; designations, status of candidate, authorized committees, etc.*
(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1).
(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.
(3)
(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—
(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and
(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.
(B) As used in this section, the term "support" does not include a contribution by any authorized committee in amounts of $2,000 or less to an authorized committee of any other candidate.
(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.
(5) The name of any separate segregated fund established pursuant to section 316(b) shall include the name of its connected organization.

(f) *Filing with and receipt of designations, statements, and reports by principal campaign committee.*

(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

(g) *Filing with and receipt of designations, statements, and reports by Secretary of the Senate; forwarding to Commission; filing requirements with Commission; public inspection and preservation of designations, etc.*

(1) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, by the principal campaign committee of such candidate, and by the Republican and Democratic Senatorial Campaign Committees shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

(2) The Secretary of the Senate shall forward a copy of any designation, statement, or report filed with the Secretary under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(3) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraph (1), shall be filed with the Commission.

(4) The Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such designations, statements, and reports in the same manner as the Commission under section 311(a)(5).

(h) *Campaign depositories; designations, maintenance of accounts, etc.; petty cash fund for disbursements; record of disbursements.*

(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5).

(i) *Reports and records, compliance with requirements based on best efforts.*
When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.
(Pub. L. 92–225, title III, § 302, Feb. 7, 1972, 86 Stat. 12; Pub. L. 93–443, title II, §§ 202, 208(c)(2), Oct. 15, 1974, 88 Stat. 1275, 1286; Pub. L. 94–283, title I, § 103, May 11, 1976, 90 Stat. 480; Pub. L. 96187, title I, § 102, Jan. 8, 1980, 93 Stat. 1345; Pub. L. 104–79, §§ 1(b), 3(a), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 105–61, title VI, § 637, Oct. 10, 1997, 111 Stat. 1316; Pub. L. 108–447, div. H, title V, § 525, Dec. 8, 2004, 118 Stat. 3271.)

2 U.S.C. § 433. Registration of political committees
(a) *Statements of organizations.*
Each authorized campaign committee shall file a statement of organization not later than 10 days after designation pursuant to section 432(e)(1). Each separate segregated fund established under the provisions of section 441b(b) shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 431(4).

(b) *Contents of statements.*
The statement of organization of a political committee shall include—
(1) the name, address, and type of committee;
(2) the name, address, relationship, and type of any connected organization or affiliated committee;
(3) the name, address, and position of the custodian of books and accounts of the committee;
(4) the name and address of the treasurer of the committee;
(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and
(6) a listing of all banks, safety deposit boxes, or other depositories used by the committee.

(c) *Change of information in statements.*
Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) no later than 10 days after the date of the change.

(d) *Termination, etc., requirements of authorities.*

(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g), that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

(Pub. L. 92–225, title III, § 303, Feb. 7, 1972, 86 Stat. 14; Pub. L. 93–443, title II, §§ 203, 208(c)(3), Oct. 15, 1974, 88 Stat. 1276, 1286; Pub. L. 96–187, title I, § 103, Jan. 8, 1980, 93 Stat. 1347.)

2 U.S.C. § 434. Reports

(a) *Receipts and disbursements by treasurers of political committee; filing requirements.*

(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall

be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.
(3) If the committee is the principal campaign committee of a candidate for the office of President—
(A) in any calendar year during which a general election is held to fill such office—
(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year: such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;
(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a preelection report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and
(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and
(B) in any other calendar year, the treasurer shall file either—
(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or
(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.
(4) All political committees other than authorized committees of a candidate shall file either—
(A)
(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;
(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th

day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1)) is sent by registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement.

(6)

(A) The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) Notification of expenditure from personal funds.

(i) Definition of expenditure from personal funds. In this subparagraph, the term “expenditure from personal funds” means—

(I) an expenditure made by a candidate using personal funds; and

(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.
(ii) Declaration of intent. Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed the State-by-State competitive and fair campaign formula with—
(I) the Commission; and
(II) each candidate in the same election.
(iii) Initial notification. Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—
(I) the Commission; and
(II) each candidate in the same election.
(iv) Additional notification. After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000 with—
(I) the Commission; and
(II) each candidate in the same election.
Such notification shall be filed not later than 24 hours after the expenditure is made.
(v) Contents. A notification under clause (iii) or (iv) shall include—
(I) the name of the candidate and the office sought by the candidate;
(II) the date and amount of each expenditure; and
(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.
(C) Notification of disposal of excess contributions. In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.
(D) Enforcement. For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.
(E) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.
(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in

a previous report during such year, only the amount need be carried forward.
(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a preelection report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.
(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any report required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.
(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).
(11)
(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—
(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and
(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).
(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.
(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(D) As used in this paragraph, the term "report" means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.
(12) Software for filing of reports.
(A) In general. The Commission shall—
(i) promulgate standards to be used by vendors to develop software that—
(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;
(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and
(III) allows the Commission to post the information on the Internet immediately upon receipt; and
(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.
(B) Additional information. To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.
(C) Required use. Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.
(D) Required posting. The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.

(b) *Contents of report.*
Each report under this section shall disclose—
(1) the amount of cash on hand at the beginning of the reporting period;
(2) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all receipts, and the total amount of all receipts in the following categories:
(A) contributions from persons other than political committees;
(B) for an authorized committee, contributions from the candidate;
(C) contributions from political party committees;
(D) contributions from other political committees;
(E) for an authorized committee, transfers from other authorized committees of the same candidate;
(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;
(G) for an authorized committee, loans made by or guaranteed by the candidate;
(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;
(J) dividends, interest, and other forms of receipts; and
(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of the Internal Revenue Code of 1954
(3) the identification of each—
(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;
(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;
(C) authorized committee which makes a transfer to the reporting committee;
(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;
(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;
(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of such receipt; and
(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such receipt;
(4) for the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), the total amount of all disbursements, and all disbursements in the following categories:
(A) expenditures made to meet candidate or committee operating expenses;
(B) for authorized committees, transfers to other committees authorized by the same candidate;
(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;
(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

(E) repayment of all other loans;
(F) contribution refunds and other offsets to contributions;
(G) for an authorized committee, any other disbursements;
(H) for any political committee other than an authorized committee—
(i) contributions made to other political committees;
(ii) loans made by the reporting committees;
(iii) independent expenditures;
(iv) expenditures made under section 315(d) of this Act; and
(v) any other disbursements; and
(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 315(b);
(5) the name and address of each—
(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;
(B) authorized committee to which a transfer is made by the reporting committee;
(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;
(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and
(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;
(6) (A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such disbursement;
(B) for any other political committee, the name and address of each—
(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;
(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;
(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of

any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(iv) person who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 315(d) in the Act, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office) from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office); and

(8) the amount and nature of outstanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

(c) *Statements by other than political committees; filing; contents; indices of expenditures.*

(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2), and shall include—

(A) the information required by subsection (b)(6)(B)(iii), indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which

was made for the purpose of furthering an independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii), made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(d) *Filing by facsimile device or electronic mail.*

(1) Any person who is required to file a statement under subsection (c) or (g) of this section, except statements required to be filed electronically pursuant to subsection (a)(11)(A)(i) may file the statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

(e) *Political committees.*

(1) National and congressional political committees. The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

(2) Other political committees to which section 323 applies.

(A) In general. In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), unless the aggregate amount of such receipts and disbursements during the calendar year is less than $5,000.

(B) Specific disclosure by State and local parties of certain non-Federal amounts permitted to be spent on Federal election activity. Each report by a political committee under subparagraph (A) of receipts and disbursements made for activities described in section 301(20)(A) shall include a disclosure of all receipts and disbursements described in section 323(b)(2)(A) and (B).

(3) Itemization. If a political committee has receipts or disbursements to which this subsection applies from or to any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

(4) Reporting periods. Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B).

(f) *Disclosure of electioneering communications.*

(1) Statement required. Every person who makes a disbursement for the direct costs of producing and airing electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

(2) Contents of statement. Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

(A) The identification of the person making the disbursement, of any person sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

(B) The principal place of business of the person making the disbursement, if not an individual.

(C) The amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the person making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(3) Electioneering communication. For purposes of this subsection—

(A) In general.

(i) The term "electioneering communication" means any broadcast, cable, or satellite communication which—

(I) refers to a clearly identified candidate for Federal office;

(II) is made within—

(aa) 60 days before a general, special, or runoff election for the office sought by the candidate; or

(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority

to nominate a candidate, for the office sought by the candidate; and
(III) in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.
(ii) If clause (i) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term "electioneering communication" means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subparagraph shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.
(B) Exceptions. The term "electioneering communication" does not include—
(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate;
(ii) a communication which constitutes an expenditure or an independent expenditure under this Act;
(iii) a communication which constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission, or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or
(iv) any other communication exempted under such regulations as the Commission may promulgate (consistent with the requirements of this paragraph) to ensure the appropriate implementation of this paragraph, except that under any such regulation a communication may not be exempted if it meets the requirements of this paragraph and is described in section 301(20)(A)(iii).
(C) Targeting to relevant electorate. For purposes of this paragraph, a communication which refers to a clearly identified candidate for Federal office is "targeted to the relevant electorate" if the communication can be received by 50,000 or more persons—
(i) in the district the candidate seeks to represent, in the case of a candidate for Representative in, or Delegate or Resident Commissioner to, the Congress; or
(ii) in the State the candidate seeks to represent, in the case of a candidate for Senator.
(4) Disclosure date. For purposes of this subsection, the term "disclosure date" means—
(A) the first date during any calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in excess of $10,000; and
(B) any other date during such calendar year by which a person has made disbursements for the direct costs of producing or airing electioneering communications aggregating in ex-

cess of $10,000 since the most recent disclosure date for such calendar year.
(5) Contracts to disburse. For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.
(6) Coordination with other requirements. Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.
(7) Coordination with Internal Revenue Code. Nothing in this subsection may be construed to establish, modify, or otherwise affect the definition of political activities or electioneering activities (including the definition of participating in, intervening in, or influencing or attempting to influence a political campaign on behalf of or in opposition to any candidate for public office) for purposes of the Internal Revenue Code of 1986.

(g) *Time for reporting certain expenditures.*
(1) Expenditures aggregating $1,000.
(A) Initial report. A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.
(B) Additional reports. After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.
(2) Expenditures aggregating $10,000.
(A) Initial report. A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.
(B) Additional reports. After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.
(3) Place of filing; contents. A report under this subsection—
(A) shall be filed with the Commission; and
(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.
(4) Time of filing for expenditures aggregating $1,000. Notwithstanding subsection (a)(5), the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.

(h) *Reports from Inaugural Committees.*
The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title

36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission. (Pub. L. 92–225, title III, § 304, Feb. 7, 1972, 86 Stat. 14, 15; Pub. L. 93–443, title II, §§ 204(a)–(d), 208(c)(4), Oct. 15, 1974, 88 Stat. 1276, 1286; Pub. L. 94–283, title I, § 104, May 11, 1976, 90 Stat. 480; Pub. L. 96–187, title I, § 104, Jan. 8, 1980, 93 Stat. 1348; Pub. L. 104–79, §§ 1(a), 3(b), Dec. 28, 1995, 109 Stat. 791, 792; Pub. L. 106–58, title VI, §§ 639(a), 641(a), Sept. 29, 1999, 113 Stat. 476, 477; Pub. L. 106–346, § 101(a), Oct. 23, 2000, 114 Stat. 1356; Pub. L. 107155, title I, § 103(a), title II, subtitle A, § 201(a), subtitle B, § 212, title III, §§ 304(b), 306, 308(b), title V, §§ 501, 503, March 27, 2002, 116 Stat. 87, 88, 93, 99, 102, 104, 114, 115; Pub. L. 108–199, div. F, title VI, § 641, Jan. 23, 2004, 118 Stat. 359.)

2 U.S.C. § 437. Reports on convention financing

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

(Pub. L. 92–225, title III, § 305, formerly § 307, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93–443, title II, § 208(c)(6), Oct. 15, 1974, 88 Stat. 1286; renumbered § 305 and amended Pub. L. 96–187, title I, §§ 105(a)(2), 112(a), Jan. 8, 1980, 93 Stat. 1354, 1366.)

2 U.S.C. § 437c. Federal Election Commission

(a) *Establishment; membership; term of office; vacancies' qualifications; compensation; chairman and vice chairman.*

(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for a single term of 6 years, except that the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.
(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.
(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.
(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.
(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.
(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compenstation paid at level IV of the Executive Schedule (5 U.S.C. 5315).
(5) The Commission shall elect a chairman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

(b) *Administration, enforcement, and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office.*
(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of title 26. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(c) *Voting requirements; delegation of authorities.*
All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decisionmaking authority or duty vested in the Commission by the provisions of this

Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of title 26.

(d) *Meetings.*
The Commission shall meet at least once each month and also, at the call of any members.

(e) *Rules for conduct of activities; judicial notice of seal; principal office.*
The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of Columbia (but it may meet or exercise any of its powers anywhere in the United States).

(f) *Staff director and general counsel; appointment and compensation; appointment and compensation of personnel and procurement of intermittent services by staff director; use of assistance personnel, and facilities of Federal agencies and departments; counsel for defense of actions.*
(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.
(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332).
(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities and other assistance, with or without reimbursement, as the Commission may request.
(4) Notwithstanding the provisions of paragraph (2), the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in its office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter

53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.
(Pub. L. 92–225, title III, § 306, formerly § 310, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280; renumbered § 309 and amended Pub. L. 94–283, title I, §§ 101(a)–(d), 105, May 11, 1976, 90 Stat. 475, 481; renumbered § 306 and amended Pub. L. 96–187, title I, §§ 105(a)(3), (6), 112(b), Jan. 8, 1980, 93 Stat. 1354–56, 1366; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105–61, Title V, § 512(a), Oct. 10, 1997, 111 Stat. 1305.)

2 U.S.C. § 437d. Powers of commission
(a) *Specific authorities.*
The Commission has the power—
(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;
(2) to administer oaths or affirmations;
(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;
(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the protection of evidence in the same manner as authorized under paragraph (3);
(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;
(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 309(a)(8) of this Act) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954, through its general counsel;
(7) to render advisory opinions under section 308 of this Act;
(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954; and
(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) *Judicial orders for compliance with subpenas and orders of Commission; contempt of court.*
Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a), issue an order requiring compliance. Any failure to obey the order of

the court may be punished by the court as a contempt thereof.

(c) *Civil liability for disclosure of information.*
No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d) *Concurrent transmissions to Congress or Member of budget estimates, etc.; prior submission of legislative recommendations, testimony, or comments on legislation.*
(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.
(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) *Exclusive civil remedy for enforcement.*
Except as provided in section 309(a)(8) of this Act, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.
(Pub. L. 92–225, title III, § 307, formerly § 311, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1282; renumbered § 310 and amended Pub. L. 94–283, title I, §§ 105, 107, 115(b), May 11, 1976, 90 Stat. 481, 495; Pub. L. 96–187, title I, §§ 105(3), 106, Jan. 8, 1980, 93 Stat. 1354, 1356; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

2 U.S.C. § 437f. Advisory opinion
(a) *Requests by persons, candidates, or authorized committees; subject matter; time for response.*
(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.
(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

(b) *Procedures applicable to initial proposal of rules or regulations, and advisory opinions.*
Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(c) *Persons entitled to rely upon opinions; scope of protection for good faith reliance.*
(1) Any advisory opinion rendered by the Commission under subsection (a) of this section may be relied upon by—
(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and
(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.
(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of title 26.

(d) *Requests made public; submission of written comments by interested public.*
The Commission shall make public any request made under subsection (a) of this section for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.
(Pub. L. 92–225, title III, § 308, formerly § 313, as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283; renumbered § 312 and amended Pub. L. 94–283, title I, §§ 105, 108, May 11, 1976, 90 Stat. 481, 482; renumbered § 308 and amended Pub. L. 96–187, title I, §§ 105(a)(4), 107, Jan. 8, 1980, 93 Stat. 1354, 1357–58; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

2 U.S.C. § 437g. Enforcement
(a) *Administrative and judicial practice and procedure.*
(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dis-

miss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clauses (ii) and subparagraph (C), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be

made public by the Commission without the written consent of the respondent and the Commission.
(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make public such determination.
(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement of section 304(a) of the Act (2 U.S.C. 434(a)), the Commission may—
(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and
(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.
(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.
(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.
(5)(A) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraphs (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.
(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation).
(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probable cause to believe that a knowing and willful violation of this Act which is subject

to subsection (d), or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, by the methods specified in paragraph (4), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation (or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1,000 percent of the amount involved in the violation).

(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the

complaint is filed, may file a petition with the United States District Court for the District of Columbia.
(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.
(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.
(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.
(10) Repealed. Pub. L. 98–620 title IV, 402(1)(A), Nov. 8, 1984, 98 Stat. 3357.
(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.
(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.
(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

(b) *Notice to persons not filing required reports prior to institutions of enforcement action; publication of identity of persons and unfiled reports.*
Before taking any action under subsection (a) against any person who has failed to file a report required under section 304(a)(2)(A)(iii) for the calendar quarter immediately preceding the election involved, or in accordance with section 304(a)(2)(A)(i), the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 311(a)(7), publish before the election the name of the person and the report or reports such person has failed to file.

(c) *Reports by the Attorney General of apparent violations.*
Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to

the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

(d) *Penalties; defenses; mitigation of offenses.*

(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than 1 year, or both.

(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 316(b)(3) may incorporate a violation of section 317(b), 320, or 321.

(C) In the case of a knowing and willful violation of section 322, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than $10,000 during a calendar year shall be—

(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more);

(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

(I) $50,000; or

(II) 1,000 percent of the amount involved in the violation; or

(iii) both imprisoned under clause (i) and fined under clause (ii).

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

(Pub. L. 92–225, title III, § 309, formerly § 314 as added Pub. L. 93–443, title II, § 208(a), Oct. 15, 1974, 88 Stat. 1284; renumbered § 313 and amended Pub. L. 94–283, title I, §§ 105, 109, May 11, 1976, 90 Stat. 481, 483; renumbered § 309 and amended Pub. L. 96–187, title I, §§ 105(4), 108, Jan. 8, 1980, 93 Stat. 1354, 1358; Pub. L. 98–620, title IV, subtitle A, § 402(1)(A), Nov. 8, 1984, 98 Stat. 3357; Pub. L. 99–514 § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106–58, title VI, § 640(a), (b), Sept. 29, 1999, 113 Stat. 476; Pub. L. 107–155, title III, §§ 312(a), 315(a), (b), March 27, 2002, 116 Stat. 106, 108.)

2 U.S.C. § 437h. Judicial review

Actions, including declaratory judgments, for construction of constitutional questions; eligible plaintiffs; certification of such questions to courts of appeal sitting en banc.

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

Appeal to Supreme Court; time for appeal.

Notwithstanding any other provision of law, any decision on matter certified under subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the court of appeals.

The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(Pub. L. 92–225, title III, § 310, formerly § 315, as added Pub. L. 93–443, title II, § 208, Oct. 15, 1974, 88 Stat. 1285; renumbered § 314 and amended Pub. L. 94–283, title I, §§ 105, 115(e), May 11, 1976, 90 Stat. 481, 496; renumbered § 310 and amended Pub. L. 96–187, §§ 105(a)(4), 112(c), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 98–620, title IV, Sub-

title A, § 402(1) (B), Nov. 8, 1984, 98 Stat. 3357; Pub. L. 100–352, § 6(a), June 27, 1988, 102 Stat. 663.)

2 U.S.C. § 438. Administrative provisions

(a) *Duties of Commission.* The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purpose of this Act;

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Secretary or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d); and

(9) transmit to President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legislative or other action the Commission considers appropriate.

(b) *Audits and field investigations.*

The Commission may conduct audits and field investigations of any political committee required to file a report under section 304 of this Act. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter

95 or chapter 96 of the Internal Revenue Code of 1954 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

(c) *Statutory provisions applicable to forms and information-gathering activities.*

Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of title 44, United States Code.

(d) *Rules, regulations, or forms; issuance, procedures applicable, etc.*

(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means, with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5) (A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to

move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

(e) *Scope of protection for good faith reliance upon rules or regulations.*
Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

(f) *Promulgation of rules, regulations, and forms by Commission and Internal Revenue Service; report to Congress on cooperative efforts.*
In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.
(Feb. 7, 1972, Pub. L. 92–225, title III, § 311, 86 Stat. 16–18; Oct. 15, 1974, Pub. L. 93–443, title II, §§ 208(a), (c)(7)–(10), 209(a)(1), 23.31(b), 88 Stat. 1279, 1286, 1287; May 11, 1976, Pub. L. 94–283, title I, §§ 105, 110, 90 Stat. 481, 486; Jan. 8, 1980, Pub. L. 96–187, title I, §§ 105(4), 109, 93 Stat. 1354, 1362; Dec. 28, 1995, Pub. L. 104–79, § 3(c), 109 Stat. 792; Oct. 29, 2002, Pub. L. 107–252, title VIII, Subtitle A, § 801(b), 116 Stat. 1726.)

2 U.S.C. § 438a. Maintenance of website of election reports
(a) In general. The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all publicly available election-related reports and information.
(b) Election-related report. In this section, the term "election-related report" means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.
(c) Coordination with other agencies. Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.
(Pub. L. 107–155, title V, § 502, March 27, 2002, 116 Stat. 115.)

2 U.S.C. § 439. Statements filed with state officers
(a) *Appropriate State; defined.*
(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person

with the Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term "appropriate State" means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) *Duties of State officers.*

The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

(c) *Waiver; electronic access.*

Subsections (a) and (b) of this section shall not apply with respect to any State that, as determined by the commission, has a system that permits electonic access to, and duplication of, reports and statements that are filed with the Commission.

(Pub. L. 92–225, title III, § 312, formerly § 309, Feb. 7, 1972, 86 Stat. 18; renumbered § 317 and amended Pub. L. 94–443, title II, § 208(a), (c)(11), Oct. 15, 1974, 88 Stat. 1279, 1287; renumbered § 316 Pub. L. 94–283, title I, § 105, May 11, 1976, 90 Stat. 481; renumbered § 312 and amended Pub. L. 96–187, title I, §§ 105(a)(4), 110, Jan. 8, 1980, 93 Stat. 1354, 1364–65; Pub. L. 104–79, § 2, Dec. 28, 1995, 109 Stat. 791.)

2 U.S.C. § 439a. Use of contributed amounts for certain purposes

(a) Permitted uses. A contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986;

(4) for transfers, without limitation, to a national, State, or local committee of a political party;

(5) for donations to State and local candidates subject to the provisions of State law; or

(6) for any other lawful purpose unless prohibited by subsection (b) of this section.

(b) Prohibited use.

(1) In general. A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

(2) Conversion. For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including—

(A) a home mortgage, rent, or utility payment;

(B) a clothing purchase;

(C) a noncampaign-related automobile expense;

(D) a country club membership;

(E) a vacation or other noncampaign-related trip;

(F) a household food item;

(G) a tuition payment;

(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

(I) dues, fees, and other payments to a health club or recreational facility. (Pub. L. 92–225, title III, § 313, as added Pub. L. 107–155, title III, § 301, March 27, 2002, 116 Stat. 95; Pub. L. 108–447, div. H, title V, § 532, Dec. 8, 2004, 118 Stat. 3272.)

2 U.S.C. § 441a. Limitations on contributions and expenditures

(a) *Dollar limits on contributions.*

(1) Except as provided in subsection (i) and section 315A, no person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $2,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized

political committees of any candidate, in any calendar year which, in the aggregate, exceed $25,000;
(C) to any other political committee (other than a committee described in subparagraph (D)) in any calendar year which, in the aggregate, exceed $5,000; or
(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.
(2) No multicandidate political committee shall make contributions—
(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;
(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or
(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.
(3) During the period which begins on January 1 of an odd-numbered year and ends on December 31 of the next even-numbered year, no individual may make contributions aggregating more than—
(A) $37,500, in the case of contributions to candidates and the authorized committees of candidates;
(B) $57,500, in the case of any other contributions, of which not more than $37,500 may be attributable to contributions to political committees which are not political committees of national political parties.
(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term "multicandidate political committee" means a political committee which has been registered under section 303 for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.
(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered

to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of the Internal Revenue Code of 1954. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) expenditures made by any person (other than a candidate or candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a national, State, or local committee of a political party, shall be considered to be contributions made to such party committee; and

(iii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) if—

(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(f)(3)); and

(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and

(D) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(b) *Dollar limits on expenditures by candidates for office of President of the United States.*

(1) No candidate for the office of President of the United States who is eligible under section 9003 of the Internal Revenue Code of 1954 (relating to condition for eligibility for payments) or under section 9033 of the Internal Revenue Code of 1954 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)), or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

(c) *Increases on limits based on increases in price index.*

(1)(A) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and pub-

lish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period.
(B) Except as provided in subparagraph (C), in any calendar year after 2002—
(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);
(ii) each amount so increased shall remain in effect for the calendar year; and
(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.
(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election.
(2) For purposes of paragraph (1)—
(A) the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and
(B) the term "base period" means—
(i) for purposes of subsections (b) and (d), calendar year 1974; and
(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), calendar year 2001.

(d) *Expenditures by national committee, State committee, or subordinate committee of State committee in connection with general election campaign of candidates for Federal office.*
(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2), (3), and (4) of this subsection.
(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.
(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a

candidate for Federal office in a State who is affiliated with such party which exceeds—
(A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—
(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e)); or
(ii) $20,000; and
(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.
(4) Independent versus coordinated expenditures by party.
(A) In general. On or after the date on which a political party nominates a candidate, no committee of the political party may make—
(i) any coordinated expenditure under this subsection with respect to the candidate during the election cycle at any time after it makes any independent expenditure (as defined in section 301(17)) with respect to the candidate during the election cycle; or
(ii) any independent expenditure (as defined in section 301(17)) with respect to the candidate during the election cycle at any time after it makes any coordinated expenditure under this subsection with respect to the candidate during the election cycle.
(B) Application. For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.
(C) Transfers. A committee of a political party that makes coordinated expenditures under this subsection with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.

(e) *Certification and publication of estimated voting age population.*
During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term "voting age population" means resident population, 18 years of age or older.

(f) *Prohibited contributions and expenditures.*
No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for

the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(g) *Attribution of multi-State expenditures to candidate's expenditures limitation in each State.*
The commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(h) *Senatorial candidates.*
Notwithstanding any other provision of this Act, amounts totaling not more than $35,000 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

(i) *Increased limit to allow response to expenditures from personal funds.*
(1) Increase.
(A) In general. Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) (in this subsection referred to as the 'applicable limit') with respect to that candidate shall be the increased limit.
(B) Threshold amount.
(i) State-by-State competitive and fair campaign formula. In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—
(I) $150,000; and
(II) $0.04 multiplied by the voting age population.
(ii) Voting age population. In this subparagraph, the term "voting age population" means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under section 315(e)).
(C) Increased limit. Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—
(i) 2 times the threshold amount, but not over 4 times that amount—
(I) the increased limit shall be 3 times the applicable limit; and
(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution;

(ii) 4 times the threshold amount, but not over 10 times that amount—
(I) the increased limit shall be 6 times the applicable limit; and
(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and
(iii) 10 times the threshold amount—
(I) the increased limit shall be 6 times the applicable limit;
(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and
(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.
(D) Opposition personal funds amount. The opposition personal funds amount is an amount equal to the excess (if any) of—
(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) that an opposing candidate in the same election makes; over
(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.
(E) Special rule for candidate's campaign funds.
(i) In general. For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.
(ii) Gross receipts advantage. For purposes of clause (i), the term "gross receipts advantage" means the excess, if any, of—
(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over
(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.
(2) Time to accept contributions under increased limit.
(A) In general. Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—
(i) until the candidate has received notification of the opposition personal funds amount under section 304(a)(6)(B); and
(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and

party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate. A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(3) Disposal of excess contributions.

(A) In general. The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors. A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

(j) *Limitation on repayment of personal loans.*

Any candidate who incurs personal loans made after the effective date of the Bipartisan Campaign Reform Act of 2002 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

(Pub. L. 92–225, title III, § 315, formerly § 320 as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 486; renumbered § 315, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; amended Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 107–155, title I, § 102, title II, subtitle A, § 202, subtitle B, §§ 213, 214(a), title III, §§ 304(a), 307(a)–(d), 316, 319(b), March 27, 2002, 116 Stat. 86, 90, 94, 97, 102, 108, 112.)

2 U.S.C. § 441a–1. Modification of certain limits for house candidates in response to personal fund expenditures of opponents

(a) Availability of increased limit.

(1) In general. Subject to paragraph (3), if the opposition personal funds amount with respect to a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress exceeds $350,000—

(A) the limit under subsection (a)(1)(A) with respect to the candidate shall be tripled;

(B) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to the candidate if the contribution is made under the increased limit allowed under subparagraph (A) during a period in which the candidate may accept such a contribution; and

(C) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party on behalf of the candidate shall not apply.

(2) Determination of opposition personal funds amount.

(A) In general. The opposition personal funds amount is an amount equal to the excess (if any) of—

(i) the greatest aggregate amount of expenditures from personal funds (as defined in subsection (b)(1)) that an opposing candidate in the same election makes; over

(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

(B) Special rule for candidate's campaign funds.

(i) In general. For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (A), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) Gross receipts advantage. For purposes of clause (i), the term "gross receipts advantage" means the excess, if any, of—

(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

(3) Time to accept contributions under increased limit.

(A) In general. Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

(i) until the candidate has received notification of the opposition personal funds amount under subsection (b)(1); and

(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 100 percent of the opposition personal funds amount.

(B) Effect of withdrawal of an opposing candidate. A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

(4) Disposal of excess contributions.

(A) In general. The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

(B) Return to contributors. A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.
(b) Notification of expenditures from personal funds.
(1) In general.
(A) Definition of expenditure from personal funds. In this paragraph, the term "expenditure from personal funds" means—
(i) an expenditure made by a candidate using personal funds; and
(ii) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.
(B) Declaration of intent. Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election that will exceed $350,000.
(C) Initial notification. Not later than 24 hours after a candidate described in subparagraph (B) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of $350,000 in connection with any election, the candidate shall file a notification.
(D) Additional notification. After a candidate files an initial notification under subparagraph (C), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceeds $10,000. Such notification shall be filed not later than 24 hours after the expenditure is made.
(E) Contents. A notification under subparagraph (C) or (D) shall include—
(i) the name of the candidate and the office sought by the candidate;
(ii) the date and amount of each expenditure; and
(iii) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.
(F) Place of filing. Each declaration or notification required to be filed by a candidate under subparagraph (C), (D), or (E) shall be filed with—
(i) the Commission; and
(ii) each candidate in the same election and the national party of each such candidate.
(2) Notification of disposal of excess contributions. In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under subsection (a)) and the manner in which the candidate or the candidate's authorized committee used such funds.

(3) Enforcement. For provisions providing for the enforcement of the reporting requirements under this subsection, see section 309. (Pub. L. 92–225, title III, § 315A, as added Pub. L. 107–155, title III, § 319(a), March 27, 2002, 116 Stat. 109.)

2 U.S.C. § 441b. Contributions or expenditures by national banks, corporations, or labor organizations

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b)

(1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 791(h)), the term "contribution or expenditure" includes a contribution or expenditure, as those terms are defined in section 301, and also includes any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section or for any applicable electioneering communication, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of con-

tributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.
(3) It shall be unlawful—
(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;
(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and
(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.
(4) (A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—
(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and
(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.
(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.
(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.
(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of

such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.
(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.
(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.
(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.
(c) Rules relating to electioneering communications.
(1) Applicable electioneering communication. For purposes of this section, the term "applicable electioneering communication" means an electioneering communication (within the meaning of section 304(f)(3)) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by an entity described in subsection (a) of this section.
(2) Exception. Notwithstanding paragraph (1), the term "applicable electioneering communication" does not include a communication by a section 501(c)(4) organization or a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986) made under section 304(f)(2)(E) or (F) of this Act if the communication is paid for exclusively by funds provided directly by individuals who are United States citizens or nationals or lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))). For purposes of the preceding sentence, the term "provided directly by individuals" does not include funds the source of which is an entity described in subsection (a) of this section.
(3) Special operating rules.
(A) Definition under paragraph (1). An electioneering communication shall be treated as made by an entity described in subsection (a) if an entity described in subsection (a) directly or indirectly disburses any amount for any of the costs of the communication.
(B) Exception under paragraph (2). A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) shall be considered to have paid for any communication out of such amounts unless such organization paid for the commu-

nication out of a segregated account to which only individuals can contribute, as described in section 304(f)(2)(E).
(4) Definitions and rules. For purposes of this subsection—
(A) the term "section 501(c)(4) organization" means—
(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or
(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and
(B) a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.
(5) Coordination with Internal Revenue Code. Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 to carry out any activity which is prohibited under such Code.
(6) Special rules for targeted communications.
(A) Exception does not apply. Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.
(B) Targeted communication. For purposes of subparagraph (A), the term "targeted communication" means an electioneering communication (as defined in section 304(f)(3)) that is distributed from a television or radio broadcast station or provider of cable or satellite television service and, in the case of a communication which refers to a candidate for an office other than President or Vice President, is targeted to the relevant electorate.
(C) Definition. For purposes of this paragraph, a communication is "targeted to the relevant electorate" if it meets the requirements described in section 304(f)(3)(C). (Pub. L. 92–225, title III, § 316, formerly § 321, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 490; renumbered § 316 and amended Pub. L. 96–187, title I, §§ 105(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366; Pub. L. 107–155, title II, §§ 203, 204, 214(d), Mar. 27, 2002, 116 Stat. 91, 92, 95.)

2 U.S.C. § 441c. Contributions by government contractors

(a) *Prohibition.*
It shall be unlawful for any person—
(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or

other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or
(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

(b) *Separate segregated funds.*
This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election of any person to Federal office, unless the provisions of section 441b of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate fund under section 441b of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

(c) *"Labor organization" defined.*
For purposes of this section, the term "labor organization" has the meaning given it by section 441b(b)(1) of this title. (Pub. L. 92–225, title III, § 317, formerly § 322, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 492; renumbered § 317 Pub. L. 96–187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441d. Publication and distribution of statements and solicitations; charge for newspaper or magazine space
(a) Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 304(f)(3)), such communication—
(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee,
(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.
(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.
(c) Specification. Any printed communication described in subsection (a) shall—
(1) be of sufficient type size to be clearly readable by the recipient of the communication;
(2) be contained in a printed box set apart from the other contents of the communication; and
(3) be printed with a reasonable degree of color contrast between the background and the printed statement.
(d) Additional requirements.
(1) Communications by candidates or authorized persons.
(A) By radio. Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through radio shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.
(B) By television. Any communication described in paragraph (1) or (2) of subsection (a) which is transmitted through television shall include, in addition to the requirements of that paragraph, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement—
(i) shall be conveyed by—
(I) an unobscured, full-screen view of the candidate making the statement, or
(II) the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and
(ii) shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.
(2) Communications by others. Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: "____ is responsible for the content of this advertising." (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee or other person making the statement, or by a representative of such political committee or other person in voice-over, and shall also appear in a clearly readable manner with a rea-

sonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.
(Pub. L. 92–225, title III, § 318, formerly § 323, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 318 and amended, Pub. L. 96–187, title I, §§ 105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365; Pub. L. 107–155, title III, § 311, March 27, 2002, 116 Stat. 105.)

2 U.S.C. § 441e. Contributions and donations by foreign nationals

(a) Prohibition. It shall be unlawful for—
(1) a foreign national, directly or indirectly, to make—
(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election;
(B) a contribution or donation to a committee of a political party; or
(C) an expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or
(2) a person to solicit, accept, or receive a contribution or donation described in subparagraph (A) or (B) of paragraph (1) from a foreign national.
(b) As used in this section, the term "foreign national" means—
(1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term "foreign national" shall not include any individual who is a citizen of the United States; or
(2) an individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act) and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).
(Pub. L. 92–225, title III, § 319, formerly § 324, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 493; renumbered § 319, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub. L. 107–155, title III, §§ 303, 317, March 27, 2002, 116 Stat. 96, 109.)

2 U.S.C. § 441f. Contributions in name of another prohibited

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.
(Pub. L. 92–225, title III, § 320, formerly § 325, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 320 Pub. L. 96–187, title I, § 105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441g. Limitation on contribution of currency

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

(Pub. L. 92–225, title III, § 321, formerly § 326, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 321 Pub. L. 96–187, title I, § §105(a)(5), Jan. 8, 1980, 93 Stat. 1354.)

2 U.S.C. § 441h. Fraudulent misrepresentation of campaign authority

(a) In general. No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(b) Fraudulent solicitation of funds. No person shall—

(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

(Pub. L. 92–225, title III, § 322, formerly § 327, as added Pub. L. 94–283, title I, § 112(2), May 11, 1976, 90 Stat. 494; renumbered § 322, Pub. L. 96–187, title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub. L. 107–155, title III, § 309, March 27, 2002, 116 Stat. 104.)

2 U.S.C. § 441i. Soft money of political parties

(a) National committees.

(1) In general. A national committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Applicability. The prohibition established by paragraph (1) applies to any such national committee, any officer or agent acting on behalf of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

(b) State, district, and local committees.

(1) In general. Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly estab-

lished, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an association or similar group of candidates for State or local office or of individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.
(2) Applicability.
(A) In general. Notwithstanding clause (i) or (ii) of section 301(20)(A), and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the amounts expended or disbursed for such activity are allocated (under regulations prescribed by the Commission) among amounts—
(i) which consist solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act (other than amounts described in subparagraph (B)(iii)); and
(ii) other amounts which are not subject to the limitations, prohibitions, and reporting requirements of this Act (other than any requirements of this subsection).
(B) Conditions. Subparagraph (A) shall only apply if—
(i) the activity does not refer to a clearly identified candidate for Federal office;
(ii) the amounts expended or disbursed are not for the costs of any broadcasting, cable, or satellite communication, other than a communication which refers solely to a clearly identified candidate for State or local office;
(iii) the amounts expended or disbursed which are described in subparagraph (A)(ii) are paid from amounts which are donated in accordance with State law and which meet the requirements of subparagraph (C), except that no person (including any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district, or local committee of a political party in a calendar year for such expenditures or disbursements; and
(iv) the amounts expended or disbursed are made solely from funds raised by the State, local, or district committee which makes such expenditure or disbursement, and do not include any funds provided to such committee from—
(I) any other State, local, or district committee of any State party,
(II) the national committee of a political party (including a national congressional campaign committee of a political party),
(III) any officer or agent acting on behalf of any committee described in subclause (I) or (II), or
(IV) any entity directly or indirectly established, financed, maintained, or controlled by any committee described in subclause (I) or (II).
(C) Prohibiting involvement of national parties, Federal candidates and officeholders, and State parties acting jointly. Notwithstanding subsection (e) (other than subsection (e)(3)), amounts specifically authorized to be spent under subparagraph (B)(iii) meet the requirements of this subparagraph only if the amounts—

(i) are not solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e); and
(ii) are not solicited, received, or directed through fundraising activities conducted jointly by 2 or more State, local, or district committees of any political party or their agents, or by a State, local, or district committee of a political party on behalf of the State, local, or district committee of a political party or its agent in one or more other States.
(c) Fundraising costs. An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, for expenditures and disbursements for a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.
(d) Tax-exempt organizations. A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—
(1) an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section) and that makes expenditures or disbursements in connection with an election for Federal office (including expenditures or disbursements for Federal election activity); or
(2) an organization described in section 527 of such Code (other than a political committee, a State, district, or local committee of a political party, or the authorized campaign committee of a candidate for State or local office).
(e) Federal candidates.
(1) In general. A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—
(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or
(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—
(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1), (2), and (3) of section 315(a); and
(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.
(2) State law. Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual described

in such paragraph who is or was also a candidate for a State or local office solely in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law and refers only to such State or local candidate, or to any other candidate for the State or local office sought by such candidate, or both.

(3) Fundraising events. Notwithstanding paragraph (1) or subsection (b)(2)(C), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.

(4) Permitting certain solicitations.

(A) General solicitations. Notwithstanding any other provision of this subsection, an individual described in paragraph (1) may make a general solicitation of funds on behalf of any organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section) (other than an entity whose principal purpose is to conduct activities described in clauses (i) and (ii) of section 301(20)(A)) where such solicitation does not specify how the funds will or should be spent.

(B) Certain specific solicitations. In addition to the general solicitations permitted under subparagraph (A), an individual described in paragraph (1) may make a solicitation explicitly to obtain funds for carrying out the activities described in clauses (i) and (ii) of section 301(20)(A), or for an entity whose principal purpose is to conduct such activities, if—

(i) the solicitation is made only to individuals; and

(ii) the amount solicited from any individual during any calendar year does not exceed $20,000.

(f) State candidates.

(1) In general. A candidate for State or local office, individual holding State or local office, or an agent of such a candidate or individual may not spend any funds for a communication described in section 301(20)(A)(iii) unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) Exception for certain communications. Paragraph (1) shall not apply to an individual described in such paragraph if the communication involved is in connection with an election for such State or local office and refers only to such individual or to any other candidate for the State or local office held or sought by such individual, or both. (Pub. L. 92–225, title III, § 323, as added Pub. L. 107–155, title I, § 101(a), March 27, 2002, 116 Stat. 82.)

2 U.S.C. § 441k. Prohibition of contributions by minors

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party. (Pub. L. 92–225, title III, § 324, as added Pub. L. 107–155, title III, § 318, March 27, 2002, 116 Stat. 109.)

2 U.S.C. § 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 72a(i) of this title, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 92–342, §101, July 10, 1972, 86 Stat. 435.)

2 U.S.C. § 451. Extension of credit by regulated industries

The Secretary of Transportation, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

(Pub. L. 92–225, title IV, § 401, Feb. 7, 1972, 86 Stat. 19; Pub. L. 93–443, title II, § 201(b)(1), Oct. 15, 1974, 88 Stat. 1275; Pub. L. 103–272, § 4(a), July 5, 1994, 108 Stat. 1360; Pub. L. 104–88, Title III, § 313, Dec. 29, 1995, 109 Stat. 948; Pub. L. 104–287, § 6(g), Oct. 11, 1996, 110 Stat. 3399.)

2 U.S.C. § 452. Prohibition against use of certain federal funds for election activities

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 [42 U.S.C. 2701 et seq.] shall be used to finance directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Community Services Administration who, in his official capacity as such an officer or employee, engages in any such activity.

(Pub. L. 92–225, title IV, § 401, Feb. 7, 1972, 86 Stat. 19; Pub. L. 93–443, title II, § 201(b)(2), Oct. 15, 1974, 88 Stat. 1275.)

2 U.S.C. § 453. State laws affected

(a) In general. Subject to subsection (b), the provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office.

(b) State and local committees of political parties. Notwithstanding any other provision of this Act, a State or local committee of a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.

(Pub. L. 92–225, title IV, § 403, Feb. 7, 1972, 86 Stat. 20; Pub. L. 93–443, title III, § 301, Oct. 15, 1974, 88 Stat. 1289; Pub. L. 107–155, title I, § 103(b)(2), March 27, 2002, 116 Stat. 87.)

2 U.S.C. § 454. Partial invalidity

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 92–225, title IV, § 404, Feb. 7, 1972, 86 Stat. 20.)

2 U.S.C. § 455. Period of limitations

(a) No person shall be prosecuted, tried, or punished for any violation of title III of this Act unless the indictment is found or the information is instituted within 5 years after the date of the violation.

(b) Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of title III of this Act, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on the effective date of this section.

(Pub. L. 92–225, title IV, § 406, as added Pub. L. 93–443, title III, § 302, Oct. 15, 1974, 88 Stat. 1289; Pub. L. 94–283, title I, § 115(f)(1), May 11, 1976, 90 Stat. 495; Pub. L. 107–155, title III, § 313(a), March 27, 2002, 116 Stat. 106.)

E. Financial Disclosure Requirements of Executive Personnel, Including Candidates for Nomination or Election to the Office of President or Vice President (Title 5, United States Code Appendix)

5 U.S.C. App. § 101. Persons required to file

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O–6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971 in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for an-

other vacancy in that office or another office during that year.
(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).
(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).
(f) The officers and employees referred to in subsections (a), (d), and (e) are—
(1) the President;
(2) the Vice President;
(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, who occupies a position classified above GS–15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule, each member of a uniformed service whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;
(4) each employee appointed pursuant to section 3105 of title 5, United States Code;
(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;
(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;
(7) the Director of the Office of Government Ethics and each designated agency ethics official;
(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than

a special government employee) who holds a commission of appointment from the President;
(9) a Member of Congress as defined under section 109(12);
(10) an officer or employee of the Congress as defined under section 109(13);
(11) a judicial officer as defined under section 109(10); and
(12) a judicial employee as defined under section 109(8).
(g)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.
(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—
(i) the last day of the individual's service in such area during such designated period; or
(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.
(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.
(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—
(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and
(2) the report required by subsection (e) shall be filed as provided in such subsection.
(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—
(1) such individual is not a full-time employee of the Government,
(2) such individual is able to provide services specially needed by the Government,
(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and
(4) public financial disclosure by such individual is not necessary in the circumstances.
(Pub. L. 95–521, title I, § 101 Oct. 26, 1978, 92 stat. 1824; Pub. L. 96–19, § 2 (a)(1), (b), (c)(1), 4 (b)(1), (d)–(f), 5, June

13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101–194, title I, § 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101–280, § 3 (1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102–25, title VI, § 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102–398, § 4(a)(1), Oct. 2, 1992, 106 Stat. 1356.)

5 U.S.C. App. § 102. Contents of reports

(a) Each report filed pursuant to section 101 (d) and (e) [5 U.S.C. App. § 101 (d), (e)] shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,

(ii) greater than $1,000 but not more than $2,500,

(iii) greater than $2,500 but not more than $5,000,

(iv) greater than $5,000 but not more than $15,000,

(v) greater than $15,000 but not more than $50,000,

(vi) greater than $50,000 but not more than $100,000,

(vii) greater than $100,000 but not more than $1,000,000,

(viii) greater than $1,000,000 but not more than $5,000,000 or

(ix) greater than $5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of $100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first re-

port under this title, the individual shall include in the report—
(i) the identity of each source of such compensation; and
(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.
The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.
(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.
(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.
(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—
(A) paragraph (1) of subsection (a) for the year of filing and preceding calendar year,
(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and
(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.
(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.
(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.
(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.
(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are as follows:
(A) not more than $15,000;

(B) greater than $15,000 but not more than $50,000;
(C) greater than $50,000 but not more than $100,000;
(D) greater than $100,000 but not more than $250,000;
(E) greater than $250,000 but not more than $500,000;
(F) greater than $500,000 but not more than $1,000,000;
(G) greater than $1,000,000 but not more than $5,000,000;
(H) greater than $5,000,000 but not more than $25,000,000;
(I) greater than $25,000,000 but not more than $50,000,000; and
(J) greater than $50,000,000.
(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property of tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.
(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:
(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.
(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).
(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of

gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.
(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identify of the source and a brief description of each such reimbursement.
(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.
(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.
Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.
(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.
(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect in which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.
(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—
(A) any qualified blind trust (as defined in paragraph (3));
(B) a trust—
(i) which was not created directly by such individual, his spouse, or any dependent child, and
(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or
(C) an entity described under the provisions of paragraph (8), but such individual shall report the category of the amount

of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.
(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:
(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—
(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and
(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and
(III) is not a relative of any interested party.
(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—
(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;
(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and
(III) is not a relative of any interested party.
(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.
(C) The trust instrument which establishes the trust provides that—
(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;
(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;
(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;
(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;
(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports nec-

essary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;
(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and
(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.
(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.
(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.
(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.
(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.
(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—
(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;
(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;
(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and
(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its term does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).
(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.
(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—
(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and
(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.
This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.
(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.
(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—
(i) notify his supervising ethics office of such dissolution, and
(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.
(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the

provisions of that section shall apply with respect to such documents and lists.
(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.
(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.
(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.
(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $10,000.
(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.
(7) Any trust may be considered to be a qualified blind trust if—
(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;
(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and
(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the

particular case appropriate to assure compliance with applicable laws and regulations.

(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) A reporting individual shall not be required under this title to report—

(1) financial interests in or income derived from—

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act.

(Pub. L. 95–521, title I, § 102 Oct. 26, 1978, 92 Stat. 1825; Pub. L. 96–19, §§ 3(a)(1), (b), 6(a), 7(a)–(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39–43; Pub. L. 97–51, § 130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98–150, § 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101–280, § 3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102–90, Title III, § 314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–65, §§ 20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705.)

5 U.S.C. App. § 103. Filing of reports

(a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title by the Director of the Office of Government Ethics shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with—

(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, United States Capitol Police, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the General Accounting Office, the Office of Technology Assessment, or the Office of the Attending Physician (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an

agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(j)(1) A copy of each report filed under this title with the Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(Pub. L. 95–521, title I, 103, Oct. 26, 1978, 92 Stat. 1831; Pub. L. 96–19, §§ 4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1736; Pub. L. 101–280, § 3(1), (4), May 4, 1990, 104 Stat. 152, 153; Pub. L. 102–90, title III, § 313(1), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104–186, title II, § 216(1), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 109–55, title I, § 1003(a), Aug. 2, 2005, 119 Stat. 572.)

5 U.S.C. App. 4 § 104. Failure to file or filing false reports

(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $10,000.

(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period, shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of $200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch.

(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

(Pub. L. 95–521, title I, § 104; Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96–19, § 8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101–650, Title IV, § 405, Dec.1, 1990, 104 Stat. 5124.)

5 U.S.C. App. § 105. Custody of and public access to reports

(a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report

filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that—
(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and
(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.
(b)(1) Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall by made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of the Senate, as the case may be may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.
(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—
(A) that person's name, occupation and address;
(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and
(C) that such person is aware of the prohibitions on the obtaining or use of the report. Any such application shall be made available to the public throughout the period during which the report is made available to the public.
(3)

(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States Marshall Service, that revealing personal and sensitive information could endanger that individual.
(B) A report may be redacted pursuant to this paragraph only—
(i) to the extent necessary to protect the individual who filed the report; and
(ii) for as long as the danger to such individual exists.
(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including—
(i) the total number of reports redacted pursuant to this paragraph;
(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph; and
(iii) the types of threats against individuals whose reports are redacted, if appropriate.
(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.
(E) This paragraph shall expire on December 31, 2005, and apply to filings through calendar year 2005.
(c)(1) It shall be unlawful for any person to obtain or use a report—
(A) for any unlawful purpose;
(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;
(C) for determining or establishing the credit rating of any individual; or
(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.
(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.
(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the in-

dividual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.
(Pub. L. 95–521, title I, § 105, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101–280, § 3(6), May 4, 1990, 104 Stat. 154; Pub. L. 102–90, title III, § 313(2), Aug. 14, 1991, 105 Stat. 469; Pub. L. 103–359, title V, § 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104–201, div A, title XI, § 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105–318, § 7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 107–126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108–458, title I, § 1079(c), Dec. 17, 2004, 118 Stat. 3696.)

5 U.S.C. App. 4 § 106. Review of reports

(a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.
(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.
(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.
(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a)—
(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or
(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.
(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an

opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18, United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

(Pub. L. 95–521, title I, § 106, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1739; Pub. L. 101–280, § 3(1), (7), May 4, 1990, 104 Stat. 152, 155.)

5 U.S.C. App. 4 § 107. Confidential reports and other additional requirements

(a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

(Pub. L. 95–521, title I, § 107, Oct. 26, 1978, 92 Stat. 1834; Pub. L. 96–19, § 9 (d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1740.)

5 U.S.C. App. 4 § 108. Authority of Comptroller General

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purpose of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

(Pub. L. 95–521, title I, § 108, Oct. 26, 1978, 92 Stat. 1835; Pub. L. 96–19, § 9 (t), June 13, 1979, 93 Stat. 44; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1741.)

5 U.S.C. App. § 109. Definitions

For the purposes of this title, the term—

(1) "congressional ethics committees" means the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986;

(3) "designated agency ethics official" means an officer or employee who is designated to administer the provisions of this title within an agency;

(4) "executive branch" includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the General Accounting Office, and any other entity or administrative unit in the executive branch;

(5) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;

(6) "honoraria" has the meaning given such term in section 505 of this Act;

(7) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(8) "judicial employee" means any employee of the judicial branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Claims Court, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory

functions with respect to proceedings in the judicial branch, or who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;
(9) "Judicial Conference" means the Judicial Conference of the United States;
(10) "judicial officer" means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, TaxCourt, Claims Court, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;
(11) "legislative branch" includes—
(A) the Architect of the Capitol;
(B) the Botanic Gardens;
(C) the Congressional Budget Office;
(D) the General Accounting Office;
(E) the Government Printing Office;
(F) the Library of Congress;
(G) the United States Capitol Police;
(H) the Office of Technology Assessment; and
(I) any other agency, entity, office, or commission established in the legislative branch;
(12) "Member of Congress" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;
(13) "officer or employee of the Congress" means—
(A) any individual described under subparagraph
(B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;
(B) (i) each officer or employee of the legislative branch who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and
(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule;
(14) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;
(15) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(16) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(17) "Secretary concerned" has the meaning set forth in section 101(a)(9) of title 10, United States Code, and, in addition, means—

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service;

(18) "supervising ethics office" means—

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;

(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 103(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees; and

(19) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

(Pub. L. 95–521, title I, § 109, Oct. 26, 1978, 92 Stat. 1836; Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1741; Pub. L. 101–280, § 3(1), (8), May 4, 1990, 104 Stat. 152, 155; Pub. L. 102–378, § 4(a)(2), Oct. 2, 1992, 106 Stat. 1357; Pub. L. 103–160, div A, title XI, § 1182(d)(3), Nov. 30, 1993, 107 Stat. 1773; Pub. L. 103–337, div A, title IX, § 924(d)(3), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 104–186, title II, § 216(2), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 105–368, title V, § 512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342.)

5 U.S.C. App. 4 § 110. Notice of actions taken to comply with ethics agreements

(a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

(Pub. L. 95–521, title I, § 110, as added Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101–280, § 3(1), May 4, 1990, 104 Stat. 152.)

5 U.S.C. App. 4 § 111. Administration of provisions

The provisions of this title [5 U.S.C. App. 4 § 101 et seq.] shall be administered by—

(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f) [5 U.S.C. App. § 101(f) (1)–(8)];

(2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f) [5 U.S.C. App. 4 § 101(f) (9), (10)]; and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f) [5 U.S.C. App. 4 § 101(f) (11), (12)]. The Judicial Conference may delegate any authority it has under this title [5 U.S.C. App. 4 § 101 et seq.] to an ethics committee established by the Judicial Conference.

(Pub. L. 95–521, title I, § 111, as added Pub. L. 101–194, title II, § 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101–280, § 3 (1), (9), May 4, 1990, 104 Stat. 152, 157.)

F. Personal Financial Disclosure By Federal Candidates[1]

Under the provisions of the Ethics in Government Act of 1978, as amended,[2] all "candidates" to federal elective office, that is candidates for nomination or election to the offices of President, Vice President, or Member of Congress, are required to file personal financial disclosure reports, which are to be available to the public.[3] The term "candidate" is defined under the Ethics in Government Act as one who is considered to be a "candidate" to federal office under the Federal Election Campaign Act of 1971, as amended—generally one who "seeks nomination for election or election, to Federal office" by receiving contributions or making expenditures, or authorizing another to receive contributions or make expenditures on his or her behalf, in excess of $5,000.[4]

Once one has qualified as a "candidate" under the Federal Election Campaign Act, and has not otherwise filed a personal financial disclosure statement as an incumbent in a federal office, such candidate must file a disclosure report within 30 days of becoming a candidate (or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election).[5] Candidates for nomination or election to the offices of President and Vice President are to file their personal financial disclosure statements with the Federal Election Commission;[6] candidates for the House of Representatives are instructed to file with the Clerk of the House of Representatives;[7] and candidates for the Senate are to file with the Secretary of the Senate.[8]

The financial disclosure reports filed by federal candidates are not as extensive as the financial disclosure reports filed by incumbent officers and employees of the federal government, including Members of Congress (who must file publicly by May 15 of every year)[9] Rather, the candidate reports are similar in content to the reports filed by new entrants and nominees to covered positions in the federal government. The candidate financial disclosure reports need not identify nor disclose (as is required for incumbent federal officials and officeholders) personal "gifts" to the candidate or the candidate's spouse; the details of financial transactions exceeding $1,000 in value; nor the cash value of an interest in a

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[1] By Jack Maskell, Legislative Attorney, Congressional Research Service, Library of Congress.

[2] P.L. 95–521, Title I, 92 Stat. 1824, October 26, 1978. For current provisions of the Act, as amended, see codification at 5 U.S.C. app. §§ 101 *et seq*.

[3] 5 U.S.C. app. § 101(c). See 5 C.F.R. § 2634.201(d).

[4] 2 U.S.C. § 431(2), referenced as "section 301 of the Federal Campaign Act of 1971" in 5 U.S.C. app. § 101(c).

[5] 5 U.S.C. app. § 101(c).

[6] 5 U.S.C. app. § 103(e).

[7] 5 U.S.C. app. § 103(h)(1)(A)(i)(I).

[8] 5 U.S.C. App. § 103(h)(1)(A)(i)(II).

[9] Compare 5 U.S.C. app. § 102(a) (content of disclosure for incumbent officers and officials) with 5 U.S.C. app. § 102(b) (content of disclosure for new entrants, nominees, and candidates).

qualified "blind trust."[10] The candidate reports must detail the following, as provided in 5 U.S.C. app. § 102(b):

- **earned income** and **unearned income** exceeding $200, for the filing year and the preceding calendar year;
- ownership interests in **assets and income producing property** over $1,000 in value, and **liabilities** of over $10,000 owed (other than on a personal residence), as of the date specified in the report, but which is less than 31 days before the filing date;
- the identity of **positions held** in private entities during the current calendar year and the two preceding years;
- and any **agreements for future employment,** leaves of absence, continuing payments from or participation in benefit plans of former employers.[11]

Certain information must also be filed concerning income, assets, and liabilities of the candidate's spouse and dependant children.[12]

[10] Compare 5 U.S.C. app. § 102(b)(1) to 5 U.S.C. app. §§ 102(a)(2) (gifts and reimbursements), 102(a)(5) (financial transactions), and 102(a)(8) (cash interests in blind trusts). For presidential and vice presidential candidates, see specifically, 5 C.F.R. § 2634.308(b).

[11] 5 U.S.C. app. § 102(b)(1), referencing contents of disclosure set out in 5 U.S.C. app. §§ 102(a)(1) (income), 102(a)(3) (assets and ownerships), 102(a)(4) (liabilities), 102(a)(6) (positions held), and 102(a)(7) (agreements for future employment or leaves of absences). See also 5 C.F.R. § 2634.308(b)(1)–(5).

[12] 5 U.S.C. app. § 102(e); 5 C.F.R. § 2634.309(b).

G. Political Activities: Federal Employees (Title 5, United States Code; Including Selected Provisions of the Hatch Act)

5 U.S.C. § 7321. Political participation

It is the policy of the Congress that employees should be encouraged to exercise fully, freely, and without fear of penalty or reprisal, and to the extent not expressly prohibited by law, their right to participate or to refrain from participating in the political processes of the Nation. (Pub. L. 103–94, § 2(a), Oct. 6, 1993, 107 Stat. 1001.)

5 U.S.C. § 7322. Definitions

For the purpose of this subchapter—

(1) "employee" means any individual, other than the President and the Vice President, employed or holding office in—

(A) an Executive agency other than the General Accounting Office;

(B) a position within the competitive service which is not in an Executive agency; or

(C) the government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds;

but does not include a member of the uniformed services;

(2) "partisan political office" means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but shall exclude any office or position within a political party or affiliated organization; and

(3) "political contribution"—

(A) means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose;

(B) includes any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

(C) includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

(D) includes the provision of personal services for any political purpose. (Pub. L. 103–94, § 2(a), Oct. 6, 1993, 107 Stat. 1001.)

5 U.S.C. § 7323. Political activity authorized; prohibitions

(a) Subject to the provisions of subsection (b), an employee may take an active part in political management or in political campaigns, except an employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election;

(2) knowingly solicit, accept, or receive a political contribution from any person, unless such person is—

(A) a member of the same Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)));
(B) not a subordinate employee; and
(C) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such Federal labor organization as defined under section 7103(4) of this title or a Federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); or
(3) run for the nomination or as a candidate for election to a partisan political office; or
(4) knowingly solicit or discourage the participation in any political activity of any person who—
(A) has an application for any compensation, grant, contract, ruling, license, permit, or certificate pending before the employing office of such employee; or
(B) is the subject of or a participant in an ongoing audit, investigation, or enforcement action being carried out by the employing office of such employee.
(b)
(1) An employee of the Federal Election Commission (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.
(2)
(A) No employee described under subparagraph (B) (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.
(B) The provisions of subparagraph (A) shall apply to—
(i) an employee of—
(I) the Federal Election Commission or the Election Assistance Commission;
(II) the Federal Bureau of Investigation;
(III) the Secret Service;
(IV) the Central Intelligence Agency;
(V) the National Security Council;
(VI) the National Security Agency;
(VII) the Defense Intelligence Agency;
(VIII) the Merit Systems Protection Board;
(IX) the Office of Special Counsel;
(X) the Office of Criminal Investigation of the Internal Revenue Service;
(XI) the Office of Investigative Programs of the United States Customs Service;
(XII) the Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms;
(XIII) the National Imagery and Mapping Agency; or

(XIV) the Office of the Director of National Intelligence; or
(ii) a person employed in a position described under section 3132(a)(4), 5372, 5372a, or 5372b of title 5, United States Code.
(3) No employee of the Criminal Division or National Security Division of the Department of Justice (except one appointed by the President, by and with the advice and consent of the Senate), may take an active part in political management or political campaigns.
(4) For purposes of this subsection, the term "active part in political management or in a political campaign" means those acts of political management or political campaigning which were prohibited for employees of the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.
(c) An employee retains the right to vote as he chooses and to express his opinion on political subjects and candidates.
(Pub. L. 103–94, § 2(a), Oct. 6, 1993, 107 Stat. 1002; Pub. L. 103–359, title V, § 501(k), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104–201, div A, title XI, § 1122(a)(1), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 106–554, § 1(a)(3), Dec. 21, 2000, 114 Stat. 2763; Pub. L. 107–252, title VIII, § 811(a), Oct. 29, 2002, 116 Stat. 1727; Pub. L. 108–458, title I, § 1079(a), Dec. 17, 2004, 118 Stat. 3695; Pub. L. 109–177, title V, § 506(b)(2), March 9, 2006, 120 Stat. 249.)

5 U.S.C. § 7324. Political activities on duty; prohibition

(a) An employee may not engage in political activity—
(1) while the employee is on duty;
(2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof;
(3) while wearing a uniform or official insignia identifying the office or position of the employee; or
(4) using any vehicle owned or leased by the Government of the United States or any agency or instrumentality thereof.
(b)(1) An employee described in paragraph (2) of this subsection may engage in political activity otherwise prohibited by subsection (a) if the costs associated with that political activity are not paid for by money derived from the Treasury of the United States.
(2) Paragraph (1) applies to an employee—
(A) the duties and responsibilities of whose position continue outside normal duty hours and while away from the normal duty post; and
(B) who is—
(i) an employee paid from an appropriation for the Executive Office of the President; or
(ii) an employee appointed by the President, by and with the advice and consent of the Senate, whose position is located within the United States, who determines policies to be pursued by the United States in relations with foreign powers or in the nationwide administration of Federal laws. (Pub. L. 103–94, § 2(a), Oct. 6, 1993, 107 Stat. 1003.)

5 U.S.C. § 7325. Political activity permitted; employees residing in certain municipalities

The Office of Personnel Management may prescribe regulations permitting employees, without regard to the prohibitions in paragraphs (2) and (3) of section 7323(a) and paragraph (2) of section 7323(b) of this title, to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation. (Pub. L. 103–94, § 2(a), Oct. 6, 1993, 107 Stat. 1004; Pub. L. 104–93, Title III, § 308, Jan. 6, 1996, 109 Stat. 966.)

5 U.S.C. § 7326. Penalties

An employee or individual who violates section 7323 or 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit System Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board. (Pub. L. 103–94, § 2(a), Oct. 6, 1993, 107 Stat. 1004.)

5 U.S.C. § 7351. Gifts to superiors

(a) An employee may not—

(1) solicit a contribution from another employee for a gift to an official superior;

(2) make a donation as a gift or give a gift to an official superior; or

(3) accept a gift from an employee receiving less pay than himself.

(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

(c) Each supervising ethics office (as defined in section 7353(d)(1)) is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other circumstances in which gifts are traditionally given or exchanged.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 527; Pub. L. 101–194, title III, § 301, Nov. 30, 1989, 103 Stat. 1745; Pub. L. 101–280, § 4(a), May 4, 1990, 104 Stat. 157.)

H. Political Activities: State and Local Employees (Title 5, United States Code)

5 U.S.C. § 1501. Definitions

For the purpose of this chapter—

(1) "State" means a State or territory or possession of the United States;

(2) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) "Federal agency" means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System; and

(4) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 403; Pub. L. 93–443, title IV, § 401(c), Oct. 15, 1974, 88 Stat. 1290.)

5 U.S.C. § 1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions

(a) A State or local officer or employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a)(3) of this section does not apply to—

(1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(2) the mayor of a city;

(3) a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system; or

(4) an individual holding elective office.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 404; Pub. L. 93–443, title IV, § 401(a), Oct. 15, 1974, 88 Stat. 1290.)

5 U.S.C. § 1503. Nonpartisan candidacies permitted

Section 1502(a)(3) of this title does not prohibit any State or local officer or employee from being a candidate in any election if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.
(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 404; Pub. L. 93–443, title IV, § 401(b)(1), Oct. 15, 1974, 88 Stat. 1290.)

5 U.S.C. § 1504. Investigations; notice of hearing

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Special Counsel. On receipt of the report, or on receipt of other information which seems to the Special Counsel to warrant an investigation, the Special Counsel shall investigate the report and such other information and present his findings and any charges based on such findings to the Merit Systems Protection Board, which shall—

(1) fix a time and place for a hearing; and

(2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

(Pub. L. 89–544, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95–454, title IX, § 906(a)(7), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. § 1505. Hearings; adjudications; notice of determinations

Either the State or local officer or employee or the State or local agency employing him, or both, are entitled to appear with counsel at the hearing under section 1504 of this title, and be heard. After this hearing, the Merit Systems Protection Board shall—

(1) determine whether a violation of section 1502 of this title has occurred;

(2) determine whether the violation warrants the removal of the officer or employee from his office or employment; and

(3) notify the officer or employee and the agency of the determination by registered or certified mail.

(Pub. L. 89–544, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95–454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. § 1506. Orders; withholding loans or grants; limitations

(a) When the Merit Systems Protection Board finds—

(1) that a State or local officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Board that he has violated section 1502 of this title and that the violation warrants removal; or

(2) that the State or local officer or employee has been removed and has been appointed within 18 months after his removal to an office or employment in the same State in a State or local agency which does not receive loans or grants from a Federal agency;

the Board shall make and certify to the appropriate Federal agency an order requiring that agency to withhold from its loans or grants to the State or local agency to which notice was given an amount equal to 2 years' pay at the rate the officer or employee was receiving at the time of the violation. When the State or local agency to which appointment within 18 months after removal has been made is one that receives loans or grants from a Federal agency, the Board order shall direct that the withholding be made from that State or local agency.

(b) Notice of the order shall be sent by registered or certified mail to the State or local agency from which the amount is ordered to be withheld. After the order becomes final, the Federal agency to which the order is certified shall withhold the amount in accordance with the terms of the order. Except as provided by section 1508 of this title, a determination or order of the Board becomes final at the end of 30 days after mailing the notice of the determination or order.

(c) The Board may not require an amount to be withheld from a loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of that amount would jeopardize the payment of the principal or interest on the bonds or notes.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95–454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. § 1507. Subpoenas and depositions

(a) The Merit Systems Protection Board may require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter before it as a result of this chapter. Any member of the Board may sign subpenas, and members of the Board and its examiners when authorized by the Board may administer oaths, examine witnesses, and receive evidence. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at the designated place of hearing. In case of disobedience to a subpena, the Board may invoke the aid of a court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpena issued to a person, the United States District Court within whose jurisdiction the inquiry is carried on may issue an order requiring him to appear before the Board, or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The Board may order testimony to be taken by deposition at any stage of a proceeding or investigation before it as a result of this chapter. Depositions may be taken before an individual designated by the Board and having the power to administer oaths. Testimony shall be reduced to writing by

the individual taking the deposition, or under his direction, and shall be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Board as provided by this section.
(c) A person may not be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Board in obedience to a subpena issued by it. A person so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.
(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95–454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

5 U.S.C. § 1508. Judicial review
A party aggrieved by a determination or order of the Merit Systems Protection Board under section 1504, 1505, or 1506 of this title may, within 30 days after the mailing of notice of the determination or order, institute proceedings for review thereof by filing a petition in the United States District Court for the district in which the State or local officer or employee resides. The institution of the proceedings does not operate as a stay of the determination or order unless—
(1) the court specifically orders a stay; and
(2) the officer or employee is suspended from his office or employment while the proceedings are pending.
A copy of the petition shall immediately be served on the Board and thereupon the Board shall certify and file in the court a transcript of the record on which the determination or order was made. The court shall review the entire record including questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that the additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce this evidence in the hearing before the Board the court may direct that the additional evidence be taken before the Board in the manner and on the terms and conditions fixed by the court. The Board may modify its findings of fact or its determination or order in view of the additional evidence and shall file with the court the modified findings, determination, or order; and the modified findings of fact, if supported by substantial evidence, are conclusive. The court shall affirm the determination or order, or the modified determination or order, if the court determines that it is in accordance with the law. If the court determines that the determination or order or the modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Board with directions either to make a determination or order determined by the court to be lawful or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court are final, subject to review by the appropriate United

States Court of Appeals as in other cases, and the judgment and decree of the court of appeals are final, subject to review by the Supreme Court of the United States on certiorari or certification as provided by section 1254 of title 28. If a provision of this section is held to be invalid as applied to a party by a determination or order of the Board, the determination or order becomes final and effective as to that party as if the provision had not been enacted.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95–454, title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

I. Criminal Code Provisions (Title 18, United States Code)

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

18 U.S.C. § 210. Offer to procure appointive public office

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 694; § 210, formerly § 214, renumbered § 210, Pub. L. 87–849, § 1(b), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 211. Acceptance or solicitation to obtain appointive public office

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined under this title or imprisoned not more than one year, or both.

Whoever solicits or receives any thing of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined under this title or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 694; § 211, formerly § 215, Sept. 13, 1951, ch. 380, 65 Stat. 320; and renumbered § 211, Pub. L. 87–849, § 1(b), Oct. 23, 1962, 76 Stat. 1125; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

18 U.S.C. § 592. Troops at polls

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the armed forces of the United States from exercising the right of suffrage in any election district to which he may belong,

if otherwise qualified according to the laws of the State in which he offers to vote.

(June 24, 1948, ch. 645, 62 Stat. 719; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 593. Interference by armed forces

Whoever, being an officer or member of the armed forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice, or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—

Shall be fined under this title or imprisoned not more than five years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district.

(June 25, 1948, ch. 645, 72 Stat. 719; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 594. Intimidation of voters

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other persons for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 720; Pub. L. 91–405, title II, § 204(d)(5), Sept. 22, 1970, 84 Stat. 853; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 595. Interference by administrative employees of Federal, State, or Territorial Governments

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Posses-

sion of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization.

(June 25, 1948, ch. 645, 62 Stat. 720; Pub. L. 91–405, title II, § 204(d)(6), 84 Stat. 853; Pub. L. 103–322, title XXXIII, § 330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 596. Polling armed forces

Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined under this title, or imprisoned for not more than one year, or both.

The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

(June 25, 1948, ch. 645, 62 Stat. 720; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 597. Expenditures to influence voting

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined under this title or imprisoned not more than

one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both.

(June 24, 1948, ch. 645, 62 Stat. 721; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104–294, title VI, § 601(a)(12), Oct. 11, 1996, 110 Stat. 3498.)

18 U.S.C. § 598. Coercion by means of relief appropriations

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 721; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 599. Promise of appointment of candidate

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 721; Pub. L. 103–322, title XXXIII, § 330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 600. Promise of employment or other benefit for political activity

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as a consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 721; Pub. L. 92–225, title II, § 202, Feb. 7, 1972, 86 Stat. 9; Pub. L. 94–453, § 3, Oct. 2, 1976, 90 Stat. 1517; Pub. L. 94–453, § 3, Oct. 2, 1976, 90 Stat. 1517; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 601. Deprivation of employment or other benefit for political contribution

(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined under this title or imprisoned not more than one year, or both.

(b) As used in this section—

(1) the term "candidate" means an individual who seeks nomination for election, or election, to Federal, State, or local office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal, State, or local office, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(2) the term "election" means (A) a general, special primary, or runoff election, (B) a convention or caucus of a political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a nominating convention of a political party, (D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or of any State; and

(3) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(June 25, 1948, ch. 645, 62 Stat. 721; Pub. L. 94–453, § 1, Oct. 2, 1976, 90 Stat. 1516; Pub. L. 94–453, § 1, Oct. 2, 1976, 90 Stat. 1516; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 602. Solicitation of political contributions

(a) It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States; to knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.

(June 25, 1948, ch. 645, 62 Stat. 722; Pub. L. 96–187, title II, § 201, Jan. 8, 1980, 93 Stat. 1367; Pub. L. 96–187, title II, § 201(a)(3), Jan. 8, 1980, 93 Stat. 1367; Pub. L. 103–94, § 4(a), Oct. 6, 1993, 107 Stat. 1004; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 603. Making political contributions

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for service from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.

(c) The prohibition in subsection (a) shall not apply to any activity of an employee (as defined in section 7322(1) of title 5) or any individual employed in or under the United States Postal Service or the Postal Rate Commission, unless that activity is prohibited by section 7323 or 7324 of such title.

(June 25, 1948, ch. 645, 62 Stat. 722; Oct. 31, 1951, ch. 655, § 20(b), 65 Stat. 718; Pub. L. 96–187, title II, § 201, Jan. 8, 1980, 93 Stat. 1367; Pub. L. 96–187, title II, § 201(a)(4), Jan. 8, 1980, 93 Stat. 1367; Pub. L. 103–94, § 4(b), Oct. 6, 1993, 107 Stat. 1005; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 604. Solicitation for persons on relief

Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief

purposes, shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 722; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 605. Disclosure of names of persons on relief

Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Whoever receives any such list or names for political purposes—

Shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 722; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 606. Intimidation to secure political contributions

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 722; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

18 U.S.C. § 607. Place of solicitation

(a) Prohibition.

(1) In general. It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. It shall be unlawful for an individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

(2) Penalty. A person who violates this section shall be fined not more than $5,000, imprisoned not more than 3 years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to,

the Congress or Executive Office of the President, provided, that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.

(June 25, 1948, ch. 645, § 1, 62 Stat. 722; Pub. L. 96–187, title II, § 201(a)(5), Jan. 8, 1980, 93 Stat. 1367; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 107–155, title III, § 302, March 27, 2002, 116 Stat. 96.)

18 U.S.C. § 608. Absent uniformed services voters and overseas voters

(a) Whoever knowingly deprives or attempts to deprive any person of a right under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Voting Act, or pays or offers to pay, or accepts payment for registering or voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

(Pub. L. 99–410, title II, § 202(a), Aug. 28, 1986, 100 Stat. 929.)

18 U.S.C. § 609. Use of military authority to influence vote of member of Armed Forces

Whoever, being a commissioned, noncommissioned, warrant, or petty officer of an Armed Force, uses military authority to influence the vote of a member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in this section shall prohibit free discussion of political issues or candidates for public office.

(Pub. L. 99–410, title II, § 202(a), Aug. 28, 1986, 100 Stat. 929.)

J. Internal Revenue Code, Political Campaign Debts and Contributions (Title 26, United States Code)

26 U.S.C. § 84. Transfer of appreciated property to political organization

(a) *General rule.*
If—
(1) any person transfers property to a political organization, and
(2) the fair market value of such property exceeds its adjusted basis,
then for purposes of this chapter the transferor shall be treated as having sold such property to the political organization on the date of the transfer, and the transferor shall be treated as having realized an amount equal to the fair market value of such property on such date.

(b) *Basis of property.*
In the case of a transfer of property to a political organization to which subsection (a) applies, the basis of such property in the hands of the political organization shall be the same as it would be in the hands of the transferor, increased by the amount of gain recognized to the transferor by reason of such transfer.

(c) *Political organization defined.*
For purposes of this section, the term "political organization" has the meaning given to such term by section 527(e)(1).
(Pub. L. 92–625, § 13(a)(1), Jan. 3, 1975, 88 Stat. 2120.)

26 U.S.C. § 271. Debts owed by political parties, etc.

(a) *General rule.*
In the case of a taxpayer (other than a bank as defined in section 581) no deduction shall be allowed under section 166 (relating to bad debts) or under section 165(g) (relating to worthlessness of securities) by reason of the worthlessness of any debt owed by a political party.

(b) *Definitions.*
(1) *Political party.*—For purposes of subsection (a), the term "political party" means—
(A) a political party;
(B) a national, State, or local committee of a political party; or
(C) a committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of presidential or vice presidential electors or of any individual whose name is presented for election to any Federal, State, or local elective public office whether or not such individual is elected.
(2) *Contributions.*—For purposes of paragraph (1)(C), the term "contributions" includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and in-

cludes a contract, promise, or agreement to make a contribution, whether or not legally enforceable.

(3) *Expenditures.*—For purposes of paragraph (1)(C), the term "expenditures" includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value, and includes a contract promise or agreement to make an expenditure, whether or not legally enforceable.

(c) *Exception.*

In the case of a taxpayer who uses an accrual method of accounting, subsection (a) shall not apply to a debt which accrued as a receivable on a bona fide sale of goods or services in the ordinary course of the taxpayer's trade or business if—

(1) for the taxable year in which such receivable accrued, more than 30 percent of all receivables which accrued in the ordinary course of the trades and businesses of the taxpayer were due from political parties, and

(2) the taxpayer made substantial continuing efforts to collect on the debt.

(Aug. 16, 1954, ch. 736, 68A Stat. 82; Pub. L. 94–455, title XXI, § 2104(a), Oct. 4, 1976, 90 Stat. 1901.)

26 U.S.C. § 276. Certain indirect contributions to political parties

(a) *Disallowance of Deduction.*

No deduction otherwise allowable under this chapter shall be allowed for any amount paid or incurred for—

(1) advertising in a convention program of a political party, or in any other publication if any part of the proceeds of such publication directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate;

(2) admission to any dinner or program, if any part of the proceeds of such dinner or program directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate; or

(3) admission to an inaugural ball, inaugural gala, inaugural parade, or inaugural concert, or to any similar event which is identified with a political party or a political candidate.

(b) *Definitions.*

For purposes of this section—

(1) *Political party.*—The term "political party" means—

(A) a political party;

(B) a National, State, or local committee of a political party; or

(C) a committee, association, or organization, whether incorporated or not, which directly or indirectly accepts contributions (as defined in section 271(b)(2)) or makes expenditures (as defined in section 271(b)(3)) for the purpose of influencing or attempting to influence the selection, nomination, or election of any individual to any Federal, State, or local elective public office, or the election of presidential and vice-presidential electors, whether or not such individual or electors are selected, nominated, or elected.

(2) *Proceeds inuring to or for the use of political candidates.*—Proceeds shall be treated as inuring to or for the use of a political candidate only if—
(A) such proceeds may be used directly or indirectly for the purpose of furthering his candidacy for selection, nomination, or election to any elective public office, and
(B) such proceeds are not received by such candidate in the ordinary course of a trade or business (other than the trade or business of holding elective public office).

(c) *Cross reference.*
For disallowance of certain entertainment, etc., expenses, see section 274.
(Pub. L. 89–368, title III, § 301(a), Mar. 15, 1966, 80 Stat. 66; Pub. L. 90–364, title I, § 108(a), June 28, 1968, 82 Stat. 269; Pub. L. 93–443, § 406(d), Oct. 15, 1974, 88 Stat. 1296.)

26 U.S.C. § 527. Political organizations
(a) *General rule.* A political organization shall be subject to taxation under this subtitle only to the extent provided in this section. A political organization shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

(b) *Tax imposed.*
(1) In general. A tax is hereby imposed for each taxable year on the political organization taxable income of every political organization. Such tax shall be computed by multiplying the political organization taxable income by the highest rate of tax specified in section 11(b).
(2) Alternative tax in case of capital gains. If for any taxable year any political organization has a net capital gain, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such a tax is less than the tax imposed by paragraph (1)) which shall consist of the sum of—
(A) a partial tax, computed as provided by paragraph (1), on the political organization taxable income determined by reducing such income by the amount of such gain, and
(B) an amount determined as provided in section 1201(a) on such gain.

(c) *Political organization taxable income defined.*
(1) *Taxable income defined.* For purposes of this section, the political organization taxable income of any organization for any taxable year is an amount equal to the excess (if any) of—
(A) the gross income for the taxable year (excluding any exempt function income), over
(B) the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), computed with the modifications provided in paragraph (2).
(2) Modifications. For purposes of this subsection—
(A) there shall be allowed a specific deduction of $100,
(B) no net operating loss deduction shall be allowed under section 172, and

(C) no deduction shall be allowed under part VIII of subchapter B (relating to special deductions for corporations).
(3) Exempt function income. For purposes of this subsection, the term "exempt function income" means any amount received as—
(A) a contribution of money or other property,
(B) membership dues, a membership fee or assessment from a member of the political organization,
(C) proceeds from a political fundraising or entertainment event, or proceeds from the sale of political campaign materials, which are not received in the ordinary course of any trade or business, or
(D) proceeds from the conducting of any bingo game (as defined in section 513(f)(2) to the extent such amount is segregated for use only for the exempt function of the political organization.

(d) Certain uses not treated as income to candidate. For purposes of this title, if any political organization—
(1) contributes any amount to or for the use of any political organization which is treated as exempt from tax under subsection (a) of this section,
(2) contributes any amount to or for the use of any organization described in paragraph (1) or (2) of section 509(a) which is exempt from tax under section 501(a), or
(3) deposits any amount in the general fund of the Treasury or in the general fund of any State or local government,
such amount shall be treated as an amount not diverted for the personal use of the candidate or any other person. No deduction shall be allowed under this title for the contribution or deposit of any amount described in the preceding sentence.

(e) *Other definitions.* For purposes of this section—
(1) *Political organization.* The term "political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.
(2) *Exempt function.* The term "exempt function" means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed. Such term includes the making of expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a deduction under section 162(a).
(3) *Contributions.* The term "contributions" has the meaning given to such term by section 271(b)(2).
(4) *Expenditures.* The term "expenditures" has the meaning given to such term by section 271(b)(3).
(5) Qualified state or local political organization.

(A) In general. The term "qualified State or local political organization" means a political organization—
(i) all the exempt functions of which are solely for the purposes of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization,
(ii) which is subject to State law that requires the organization to report (and it so reports)—
(I) information regarding each separate expenditure from and contribution to such organization, and
(II) information regarding the person who makes such contribution or receives such expenditure, which would otherwise be required to be reported under this section, and
(iii) with respect to which the reports referred to in clause (ii) are (I) made public by the agency with which such reports are filed, and (II) made publicly available for inspection by the organization in the manner described in section 6104(d).
(B) Certain State law differences disregarded. An organization shall not be treated as failing to meet the requirements of subparagraph (A)(ii) solely by reason of 1 or more of the following:
(i) The minimum amount of any expenditure or contribution required to be reported under State law is not more than $300 greater than the minimum amount required to be reported under subsection (j).
(ii) The State law does not require the organization to identify 1 or more of the following:
(I) The employer of any person who makes contributions to the organization.
(II) The occupation of any person who makes contributions to the organization.
(III) The employer of any person who receives expenditures from the organization.
(IV) The occupation of any person who receives expenditures from the organization.
(V) The purpose of any expenditure of the organization.
(VI) The date any contribution was made to the organization.
(VII) The date of any expenditure of the organization.
(C) De minimis errors. An organization shall not fail to be treated as a qualified State or local political organization solely because such organization makes de minimis errors in complying with the State reporting requirements and the public inspection requirements described in subparagraph (A) as long as the organization corrects such errors within a reasonable period after the organization becomes aware of such errors
(D) Participation of Federal candidate or office holder. The term "qualified State or local political organization" shall not include any organization otherwise described in subparagraph (A) if a candidate for nomination or election to Federal elective public office or an individual who holds such office—
(i) controls or materially participates in the direction of the organization,
(ii) solicits contributions to the organization (unless the Secretary determines that such solicitations resulted in de mini-

mis contributions and were made without the prior knowledge and consent, whether explicit or implicit, of the organization or its officers, directors, agents, or employees), or
(iii) directs, in whole or in part, disbursements by the organization.

(f) Exempt organization which is not political organization must include certain amounts in gross income.
(1) *In general.* If an organization described in section 501(c) which is exempt from tax under section 501(a) expends any amount during the taxable year directly (or through another organization) for an exempt function (within the meaning of subsection (e)(2)), then, notwithstanding any other provision of law, there shall be included in the gross income of such organization for the taxable year, and shall be subject to tax under subsection (b) as if it constituted political organization taxable income, an amount equal to the lesser of—
(A) the net investment income of such organization for the taxable year, or
(B) the aggregate amount so expended during the taxable year for such an exempt function.
(2) *Net investment income.* For purposes of this subsection, the term "net investment income" means the excess of—
(A) the gross amount of income from interest, dividends, rents, and royalties, plus the excess (if any) of gains from the sale or exchange of assets over the losses from the sale or exchange of assets, over
(B) the deductions allowed by this chapter which are directly connected with the production of the income referred to in subparagraph (A).
For purposes of the preceding sentence, there shall not be taken into account items taken into account for purposes of the tax imposed by section 511 (relating to tax on unrelated business income).
(3) *Certain separate segregated funds.* For purposes of this subsection and subsection (e)(1), a separate segregated fund (within the meaning of section 610 of title 18 or of any similar State statute, or within the meaning of any State statute which permits the segregation of dues moneys for exempt functions (within the meaning of subsection (e)(2)) which is maintained by an organization described in section 501(c) which is exempt from tax under section 501(a) shall be treated as a separate organization.

(g) *Treatment of newsletter funds.*
(1) *In general.* For purposes of this section, a fund established and maintained by an individual who holds, has been elected to, or is a candidate (within the meaning of paragraph (3)) for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of such individual's newsletter shall, except as provided in paragraph (2), be treated as if such fund constituted a political organization.
(2) *Additional modifications.* In the case of any fund described in paragraph (1)—
(A) the exempt function shall be only the preparation and circulation of the newsletter, and

(B) the specific deduction provided by subsection (c)(2)(A) shall not be allowed.
(3) Candidate. For purposes of paragraph (1), the term "candidate" means, with respect to any Federal, State, or local elective public office, an individual who—
(A) publicly announces that he is a candidate for nomination or election to such office, and
(B) meets the qualifications prescribed by law to hold such office.

(h) Special rule for principal campaign committees.
(1) In general. In the case of a political organization which is a principal campaign committee, paragraph (1) of subsection (b) shall be applied by substituting "the appropriate rates" for "the highest rate".
(2) Principal campaign committee defined.
(A) In general. For purposes of this subsection, the term "principal campaign committee" means the political committee designated by a candidate for Congress as his principal campaign committee for purposes of—
(i) section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)), and
(ii) this subsection.
(B) Designation. A candidate may have only 1 designation in effect under subparagraph (A)(ii) at any time and such designation—
(i) shall be made at such time and in such manner as the Secretary may prescribe by regulations, and
(ii) once made, may be revoked only with the consent of the Secretary. Nothing in this subsection shall be construed to require any designation where there is only one political committee with respect to a candidate.

(i) Organizations must notify Secretary that they are section 527 organizations.
(1) In general. Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—
(A) unless it has given notice to the Secretary electronically that it is to be so treated, or
(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given or, in the case of any material change in the information required under paragraph (3), for the period beginning on the date on which the material change occurs and ending on the date on which such notice is given.
(2) Time to give notice. The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established or, in the case of any material change in the information required under paragraph (3), not later than 30 days after such material change.
(3) Contents of notice. The notice required under paragraph (1) shall include information regarding—

(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

(B) the purpose of the organization,

(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4),

(E) whether the organization intends to claim an exemption from the requirements of subsection (j) or section 6033, and

(F) such other information as the Secretary may require to carry out the internal revenue laws.

(4) Effect of failure. In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income) or, in the case of a failure relating to a material change, by taking into account such income and deductions only during the period beginning on the date on which the material change occurs and ending on the date on which notice is given under this subsection. For purposes of the preceding sentence, the term "exempt function income" means any amount described in a subparagraph of subsection (c)(3), whether or not segregated for use for an exempt function.

(5) Exceptions. This subsection shall not apply to any organization—

(A) to which this section applies solely by reason of subsection (f)(1),

(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year, or

(C) which is a political committee of a State or local candidate or which is a State or local committee of a political party.

(6) Coordination with other requirements. This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.

(j) Required disclosure of expenditures and contributions.

(1) Penalty for failure. In the case of—

(A) a failure to make the required disclosures under paragraph (2) at the time and in the manner prescribed therefor, or

(B) a failure to include any of the information required to be shown by such disclosures or to show the correct information, there shall be paid by the organization an amount equal to the rate of tax specified in subsection (b)(1) multiplied by the amount to which the failure relates. For purposes of subtitle F, the amount imposed by this paragraph shall be assessed and collected in the same manner as penalties imposed by section 6652(c).

(2) Required disclosure. A political organization which accepts a contribution, or makes an expenditure, for an exempt

function during any calendar year shall file with the Secretary either—
(A) (i) in the case of a calendar year in which a regularly scheduled election is held—
(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the fifteenth day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,
(II) a pre-election report, which shall be filed not later than the twelfth day before (or posted by registered or certified mail not later than the fifteenth day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the twentieth day before the election, and
(III) a post-general election report, which shall be filed not later than the thirtieth day after the general election and which shall be complete as of the twentieth day after such general election, and
(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or
(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the twentieth day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.
(3) Contents of report. A report required under paragraph (2) shall contain the following information:
(A) The amount, date, and purpose of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, including the occupation and name of employer of such individual).
(B) The name and address (in the case of an individual, including the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount and date of the contribution.
Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.
(4) Contracts to spend or contribute. For purposes of this subsection, a person shall be treated as having made an ex-

penditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.
(5) Coordination with other requirements. This subsection shall not apply—
(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,
(B) to any State or local committee of a political party or political committee of a State or local candidate,
(C) to any organization which is a qualified State or local political organization,
(D) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,
(E) to any organization to which this section applies solely by reason of subsection (f)(1), or
(F) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).
(6) Election. For purposes of this subsection, the term "election" means—
(A) a general, special, primary, or runoff election for a Federal office,
(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,
(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or
(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.
(7) Electronic filing. Any report required under paragraph (2) with respect to any calendar year shall be filed in electronic form if the organization has, or has reason to expect to have, contributions exceeding $50,000 or expenditures exceeding $50,000 in such calendar year.

(k) Public availability of notices and reports.
(1) In general. The Secretary shall make any notice described in subsection (i)(1) or report described in subsection (j)(7) available for public inspection on the Internet not later than 48 hours after such notice or report has been filed (in addition to such public availability as may be made under section 6104(d)(7)).
(2) Access. The Secretary shall make the entire database of notices and reports which are made available to the public under paragraph (1) searchable by the following items (to the extent the items are required to be included in the notices and reports):
(A) Names, States, zip codes, custodians of records, directors, and general purposes of the organizations.
(B) Entities related to the organizations.
(C) Contributors to the organizations.
(D) Employers of such contributors.
(E) Recipients of expenditures by the organizations.
(F) Ranges of contributions and expenditures.
(G) Time periods of the notices and reports.
Such database shall be downloadable.

(l) Authority to waive. The Secretary may waive all or any portion of the—
(1) tax assessed on an organization by reason of the failure of the organization to comply with the requirements of subsection (i), or
(2) amount imposed under subsection (j) for a failure to comply with the requirements thereof, on a showing that such failure was due to reasonable cause and not due to willful neglect. (Pub. L. 93–625, 10(a), Jan. 3, 1975, 88 Stat. 2116; Pub. L. 94–455, Title XIX, 1901(b)(33)(C), Oct. 4, 1976, 90 Stat. 1801; Pub. L. 95502, Title III, 302(a), Oct. 21, 1978, 92 Stat. 1702; Pub. L. 95–600, Title III, § 301(b)(6), Nov. 6, 1978, 92 Stat. 2821; Pub. L. 97–34, Title I, § 128(a), Aug. 13, 1981, 95 Stat. 203; Pub. L. 98–369, Div A, Title IV, § 474(r)(16), Title VII, § 722(c), July 18, 1984, 98 Stat. 843, 973; Pub. L. 99–514, Title I, § 112(b)(1), Oct. 22, 1986, 100 Stat. 2108; Pub. L. 100–647, Title I, § 1001(b)(3)(B), Nov. 10, 1988, 102 Stat. 3349; Pub. L. 106–230, § 1(a), 2(a), July 1, 2000, 114 Stat. 477, 479; Pub. L. 107–276, §§ 1(a), 2(a), (b), 5(a), 6(a)–(c), 6(e)–(g), Nov. 2, 2002, 116 Stat. 1929, 1932, 1933, 1934.)

26 U.S.C. § 2501. Imposition of tax

(a) *Taxable transfers.*
(1) *General rule.* A tax, computed as provided in section 2502, is hereby imposed for each calendar year on the transfer of property by gift during such calendar year by any individual, resident or nonresident.

(2) *Transfers of intangible property.* Except as provided in paragraph (3), paragraph (1) shall not apply to the transfer of intangible property by a nonresident not a citizen of the United States.
(3) Exception.
(A) Certain individuals. Paragraph (2) shall not apply in the case of a donor to whom section 877(b) applies for the taxable year which includes the date of the transfer.
(B) Credit for foreign gift taxes. The tax imposed by this section solely by reason of this paragraph shall be credited with the amount of any gift tax actually paid to any foreign country in respect of any gift which is taxable under this section solely by reason of this paragraph.
(4) Transfers to political organizations. Paragraph (1) shall not apply to the transfer of money or other property to a political organization (within the meaning of section 527(e)(1) for the use of such organization.
(5) Transfers of certain stock.
(A) In general. In the case of a transfer of stock in a foreign corporation described in subparagraph (B) by a donor to whom section 877(b) applies for the taxable year which includes the date of the transfer—
(i) section 2511(a) shall be applied without regard to whether such stock is situated within the United States, and
(ii) the value of such stock for purposes of this chapter shall be its U.S.-asset value determined under subparagraph (C).

(B) Foreign corporation described. A foreign corporation is described in this subparagraph with respect to a donor if—
(i) the donor owned (within the meaning of section 958(a)) at the time of such transfer 10 percent or more of the total combined voting power of all classes of stock entitled to vote of the foreign corporation, and
(ii) such donor owned (within the meaning of section 958(a), or is considered to have owned (by applying the ownership rules of section 958(b)), at the time of such transfer, more than 50 percent of—
(I) the total combined voting power of all classes of stock entitled to vote of such corporation, or
(II) the total value of the stock of such corporation.
(C) U.S.-asset value. For purposes of subparagraph (A), the U.S.-asset value of stock shall be the amount which bears the same ratio to the fair market value of such stock at the time of transfer as—
(i) the fair market value (at such time) of the assets owned by such foreign corporation and situated in the United States, bears to
(ii) the total fair market value (at such time) of all assets owned by such foreign corporation.
(b) Certain residents of possessions considered citizens of the United States. A donor who is a citizen of the United States and a resident of a possession thereof shall, for purposes of the tax imposed by this chapter, be considered a 'citizen' of the United States within the meaning of that term wherever used in this title unless he acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.
(c) Certain residents of possessions considered nonresidents not citizens of the United States. A donor who is a citizen of the United States and a resident of a possession thereof shall, for purposes of the tax imposed by this chapter, be considered a 'nonresident not a citizen of the United States' within the meaning of that term wherever used in this title, but only if such donor acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.
(d) Cross references.
(1) For increase in basis of property acquired by gift for gift tax paid, see section 1015(d).
(2) For exclusion of transfers of property outside the United States by a nonresident who is not a citizen of the United States, see section 2511(a).
(Aug. 16, 1954, ch. 736, 68A Stat. 403; Pub. L. 85–866, title I, §§ 43(b), 102(b), Sept. 2, 1958, 72 Stat. 1641, 1674; Pub. L. 86–779, § 4(d), Sept. 14, 1960, 74 Stat. 1000; Pub. L. 89–809, title I, § 109(a), Nov. 13, 1966, 80 Stat. 1574; Pub. L. 91–614, title I, § 102(a)(1), Dec. 31, 1970, 84 Stat. 1838; Pub. L. 93–625, § 14(a), Jan. 3, 1975, 88 Stat. 2121; Pub. L. 94–455, title XIX, §§ 1902(a)(10), 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1805, 1834; Pub. L. 97–34, title IV, § 442(a)(1) Aug. 13, 1981, 95 Stat. 320; Pub. L. 100–647, title III, § 3031(a)(2), 102 Stat. 3635; Nov. 5, 1990, Pub. L. 101–508, title XI, § 11601(b)(2),

Nov. 10, 1988, 104 Stat. 1388–490; Pub. L. 104–191, title V, § 511(e)(2), (f)(2)(B), Aug. 21, 1996, 110 Stat. 2098, 2100; Pub. L. 105–34, title XVI, § 1602(g)(5), Aug. 5, 1997, 111 Stat. 1095; Pub. L. 108–357, title VIII, § 804(d), Oct. 22, 2004, 118 Stat. 1571.)

K. Public Financing of Presidential Elections (Title 26, United States Code)

26 U.S.C. § 6096. Designation by individuals

(a) *In general.*

Every individual (other than a nonresident alien) whose income tax liability for the taxable year is $3 or more may designate that $3 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife having an income tax liability of $6 or more, each spouse may designate that $3 shall be paid to the fund.

(b) *Income tax liability.*

For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return) allowable under part IV of subchapter A of chapter 1 (other than subpart C thereof).

(c) *Manner and time of designation.*

A designation under subsection (a) may be made with respect to any taxable year—

(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

(Pub. L. 89–809, title III, § 302(a), Nov. 13, 1966, 80 Stat. 1587; Pub. L. 92–178, title VIII, § 802(a), Dec. 10, 1971, 85 Stat. 573; Pub. L. 93–53, § 6(a), July 1, 1973, 87 Stat. 138; Pub. L. 94–12, title II, §§ 203(b) (4), 208(d)(4), Mar. 29, 1975, 89 Stat. 30, 35; Pub. L. 94–455, title IV, § 401(a)(2)(C), title V, § 504(c)(2), title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1555, 1565, 1834; Pub. L. 95–30, title II, § 202(d)(6), May 23, 1977, 91 Stat. 151; Pub. L. 95–618, title I, § 101(b)(4), Nov. 9, 1978, 92 Stat. 3180; Pub. L. 96–223, title II, § 231(b) (2), (3)(C), Apr. 2, 1980, 94 Stat. 272, 276; Pub. L. 97–34, title II, § 221(c)(1), title III, § 331(e)(1), Aug. 13, 1981, 95 Stat. 247, 295; Pub. L. 97–414, § 4(c)(2), Jan. 4, 1982, 96 Stat. 2056; Pub. L. 98–369, title IV, § 474(r)(31), July 18, 1984, 98 Stat. 845; Pub. L. 103–66, title XIII, § 13441(a), Aug. 10, 1993, 107 Stat. 567.)

CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

26 U.S.C. § 9001. Short title

This chapter may be cited as the "Presidential Election Campaign Fund Act".

(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 563.)

26 U.S.C. § 9002. Definitions

For purposes of this chapter—

(1) The term "authorized committee" means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means, with respect to any presidential election, an individual who (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States. For purposes of paragraphs (6) and (7) of this section and purposes of section 9004(a)(2), the term "candidate" means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election. The term "candidate" shall not include any individual who has ceased actively to seek election to the office of President of the United States or to the office of Vice President of the United States, in more than one State.

(3) The term "Commission" means the Federal Election Commission established by section 309(a)(1) of the Federal Election Campaign Act of 1971.

(4) The term "eligible candidates" means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003.

(5) The term "fund" means the Presidential Election Campaign Fund established by section 9006(a).

(6) The term "major party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(7) The term "minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

(8) The term "new party" means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

(9) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the

purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(10) The term "presidential election" means the election of presidential and vice-presidential electors.

(11) The term "qualified campaign expense" means an expense—

(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both, (ii) by the candidate of a political party for office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

(B) incurred within the expenditure report period (as defined in paragraph (12)), or incurred before the beginning of such period to the extent such expense is for property, services, or facilities used during such period, and

(C) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the candidates of a political party for President and Vice President of the United States also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such candidates for President and Vice President in such proportion as the Commission prescribes by rules or regulations.

(12) The term "expenditure report period" with respect to any presidential election means—

(A) in the case of a major party, the period beginning with the first day of September before the election, or, if earlier, with the date on which such major party at its national convention nominated its candidate for election to the office of President of the United States, and ending 30 days after the date of the presidential election; and

(B) in the case of a party which is not a major party, the same period as the expenditure report period of the major party which has the shortest expenditure report period for such presidential election under subparagraph (A).

(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 563, Pub. L. 93–443, title IV, § 404(c)(1)–(3), Oct. 15, 1974, 88 Stat. 1292; Pub. L. 94–283, title I, § 115(c)(1), title III, § 306(a)(1), May 11, 1976, 90 Stat. 495, 499.)

26 U.S.C. § 9003. Condition for eligibility for payments

(a) *In general.*

In order to be eligible to receive any payments under section 9006, the candidates of a political party in a presidential election shall, in writing—

(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses of such candidates,

(2) agree to keep and furnish to the Commission such records, books, and other information as it may request, and

(3) agree to an audit and examination by the Commission under section 9007 and to pay any amounts required to be paid under such section.

(b) *Major parties.*

In order to be eligible to receive any payments under section 9006, the candidates of a major party in a presidential election shall certify to the Commission, under penalty or perjury, that—

(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which they will be entitled under section 9004, and

(2) no contributions to defray qualified campaign expenses have been or will be accepted by such candidates or any of their authorized committees except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(d), and no contributions to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11) have been or will be accepted by such candidates or any of their authorized committees.

Such certification shall be made within such time prior to the day of the presidential election as the Commission shall prescribe by rules or regulations.

(c) *Minor and new parties.*

In order to be eligible to receive any payments under section 9006, the candidates of a minor or new party in a presidential election shall certify to the Commission, under penalty of perjury, that—

(1) such candidates and their authorized committees will not incur qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004, and

(2) such candidates and their authorized committees will accept and expend or retain contributions to defray qualified campaign expenses only to the extent that the qualified campaign expenses incurred by such candidates and their authorized committees certified to under paragraph (1) exceed the aggregate payments received by such candidates out of the fund pursuant to section 9006.

Such certification shall be made within such time prior to the day of the presidential election as the Commission shall prescribe by rules or regulations.

(d) *Withdrawal by candidate.*
In any case in which an individual ceases to be a candidate as a result of the operation of the last sentence of section 9002(2), such individual—
(1) shall no longer be eligible to receive any payments under section 9006, except that such individual shall be eligible to receive payments under such section to defray qualified campaign expenses incurred while actively seeking election to the office of President of the United States or to the office of Vice President of the United States in more than one State; and
(2) shall pay to the Secretary, as soon as practicable after the date upon which such individual ceases to be a candidate, an amount equal to the amount of payments received by such individual under section 9006 which are not used to defray qualified campaign expenses.

(e) *Closed captioning requirement.*
No candidate for the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner which ensures that the commercial contains or is accompanied by closed captioning of the oral content of the commercial to be broadcast in line 21 of the vertical blanking interval, or is capable of being viewed by deaf and hearing impaired individuals via any comparable successor technology to line 21 of the vertical blanking interval.
(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 564; Pub. L. 93–53, § 6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93–443, title IV, §§ 404(c)(4), (5), 405(b), Oct. 15, 1974, 88 Stat. 1292, 1294; Pub. L. 94–283, title III, § 306(a)(2), May 11, 1976, 90 Stat. 500; Pub. L. 94–455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834; Pub. L. 102–393, title V, § 534(a), Oct. 6, 1992, 106 Stat. 1764.)

26 U.S.C. § 9004. Entitlement of eligible candidates to payments
(a) *In general.*
Subject to the provisions of this chapter—
(1) The eligible candidates of each major party in a presidential election shall be entitled to equal payments under section 9006 in an amount which, in the aggregate, shall not exceed the expenditure limitations applicable to such candidates under section 320(b)(1)(B) of the Federal Election Campaign Act of 1971.
(2)(A) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount under paragraph (1) for a major party as the number of popular votes received by the candidate for President of the minority party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the major parties in the preceding presidential election.

(B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003 (a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).
(3) The eligible candidates of a minor party or a new party in a presidential election whose candidate for President in such election receives, as such candidate, 5 percent or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 9006 equal in the aggregate to an amount which bears the same ratio to the amount allowed under paragraph (1) for a major party as the number of popular votes received by such candidate in such election bears to the average number of popular votes received in such election by the candidates for President of the major parties. In the case of eligible candidates entitled to payments under paragraph (2), the amount allowable under this paragraph shall be limited to the amount, if any, by which the entitlement under the preceding sentence exceeds the amount of the entitlement under paragraph (2).

(b) *Limitations.*
The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a)(2) and (3) with respect to a presidential election shall not exceed an amount equal to the lower of—
(1) the amount of qualified campaign expenses incurred by such eligible candidates and their authorized committees, reduced by the amount of contributions to defray qualified campaign expenses received and expended or retained by such eligible candidates and such committees, or
(2) the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a)(1), reduced by the amount of contributions described in paragraph (1) of this subsection.

(c) *Restriction.*
The eligible candidates of a political party shall be entitled to payments under subsection (a) only—
(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or
(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such

committees) used to defray such qualified campaign expenses.

(d) *Expenditures from personal funds.*
In order to be eligible to receive any payment under section 9006, the candidate of a major, minor, or new party in an election for the office of President shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President in excess of, in the aggregate, $50,000. For purposes of this subsection, expenditures from personal funds made by a candidate of a major, minor, or new party for the office of Vice President shall be considered to be expenditures by the candidate of such party for the office of President.

(e) *Definition of immediate family.*
For purposes of subsection (d), the term "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.
(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 565; Pub. L. 93–443, title IV, § 404(a), (b), Oct. 15, 1974, 88 Stat. 1291, 1292; Pub. L. 94–283, title III, §§ 301(a), 307(d), May 11, 1976, 90 Stat. 497, 501.)

26 U.S.C. § 9005. Certification by Commission
(a) *Initial certifications.*
(a) Not later than 10 days after the candidates of a political party for President and Vice President of the United States have met all applicable conditions for eligibility to receive payments under this chapter set forth in section 9003, the Commission shall certify to the Secretary of the Treasury for payment to such eligible candidates under section 9006 payment in full of amounts to which such candidates are entitled under section 9004.

(b) *Finality of certifications and determinations.*
Initial certifications by the Commission under subsection (a), and all determinations made by it under this chapter, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 9007 and judicial review under section 9011.
(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 566; Pub. L. 93–443, title IV, § 404(c)(6), (7), 405(a), Oct. 15, 1974, 88 Stat. 1202, 1293; Pub. L. 94–455, title XIX, § 1906(b)(13)(C), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9006. Payments to eligible candidates
(a) *Establishment of campaign fund.*
There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Presidential Election Campaign Fund". The Secretary of the Treasury shall, from time to time, transfer to the fund an amount not in excess of the sum of the amounts designated (subsequent to the previous presidential election) to the fund

by individuals under section 6096. There is appropriated to the fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, an amount equal to the amounts so designated during each fiscal year, which shall remain available to the fund without fiscal year limitation.

(b) *Payments from the fund.*
Upon receipt of a certification from the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary of the Treasury shall pay to such candidates out of the fund the amount certified by the Commission. Amounts paid to any such candidates shall be under the control of such candidates.

(c) *Insufficient amounts in fund.*
If at the time of a certification by the Commission under section 9005 for payment to the eligible candidates of a political party, the Secretary determines that the moneys in the fund are not, or may not be, sufficient to satisfy the full entitlements of the eligible candidates of all political parties, he shall withhold from such payment such amount as he determines to be necessary to assure that the eligible candidates of each political party will receive their pro rata share of their full entitlement. Amounts withheld by reason of the preceding sentence shall be paid when the Secretary determines that there are sufficient moneys in the fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the fund to satisfy the full entitlement of the eligible candidates of all political parties, the amounts so withheld shall be paid in such manner that the eligible candidates of each political party receive their pro rata share of their full entitlement. In any case in which the Secretary determines that there are insufficient moneys in the fund to make payments under subsection (b), section 9008(b)(3), and section 9037(b), moneys shall not be made available from any other source for the purpose of making such payments.
(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 567; Pub. L. 93–53, § 6(b), July 1, 1973, 87 Stat. 138; Pub. L. 93–443, title IV, §§ 403(a), 404(c)(8), Oct. 15, 1975, 88 Stat. 1291, 1292; Pub. L. 94–283, title III, § 302, May 11, 1976, 90 Stat. 498; Pub. L. 94–455, title XIX, § 1906(b)(13)(A), (B), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9007. Examinations and audits; repayments
(a) *Examinations and audits.*
After each presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the candidates of each political party for President and Vice President.

(b) *Repayments.*
(1) If the Commission determines that any portion of the payments made to the eligible candidates of a political party under section 9006 was in excess of the aggregate payments

to which candidates were entitled under section 9004, it shall so notify such candidates, and such candidates shall pay to the Secretary of the Treasury an amount equal to such portion.

(2) If the Commission determines that the eligible candidates of a political party and their authorized committees incurred qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party were entitled under section 9004, it shall notify such candidates of the amount of such excess and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

(3) If the Commission determines that the eligible candidates of a major party or any authorized committee of such candidates accepted contributions (other than contributions to make up deficiencies in payments out of the fund on account of the application of section 9006(c)) to defray qualified campaign expenses (other than qualified campaign expenses with respect to which payment is required under paragraph (2)), it shall notify such candidates of the amount of the contributions so accepted, and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

(4) If the Commission determines that any amount of any payment made to the eligible candidates of a political party under section 9006 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, it shall notify such candidates of the amount so used, and such candidates shall pay to the Secretary of the Treasury an amount equal to such amount.

(5) No payment shall be required from the eligible candidates of a political party under this subsection to the extent that such payment, when added to other payments required from such candidates under this subsection, exceeds the amount of payments received by such candidates under section 9006.

(c) *Notification.*

No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than 3 years after the day of such election.

(d) *Deposit of repayments.*

All payments received by the Secretary of the Treasury under subsection (b) shall be deposited by him in the general fund of the Treasury.

(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 568; Pub. L. 93–53, § 6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93–443, title IV, § 404(c)(9)–(11), Oct. 15, 1974, 88 Stat. 1292; Pub. L. 94–283, title III, § 307(e), May 11, 1976, 90 Stat. 502; Pub. L. 94–455, title XIX, § 1906(b)(13)(B), (C), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9008. Payments for presidential nominating conventions

(a) *Establishment of accounts.*
The Secretary shall maintain in the fund, in addition to any account which he maintains under section 9006(a), a separate account for the national committee of each major party and minor party. The Secretary shall deposit in each such account an amount equal to the amount which each such committee may receive under subsection (b). Such deposits shall be drawn from amounts designated by individuals under section 6096 and shall be made before any transfer is made to any account for any eligible candidate under section 9006(a).

(b) *Entitlement to payments from the fund.*
(1) *Major parties.*—Subject to the provisions of this section, the national committee of a major party shall be entitled to payments under paragraph (3), with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed $4,000,000.
(2) *Minor parties.*—Subject to the provisions of this section, the national committee of a minor party shall be entitled to payments under paragraph (3), with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive under paragraph (1) as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the United States of the major parties in the preceding presidential election.
(3) *Payments.*—Upon receipt of certification from the Commission under subsection (g), the Secretary shall make payments from the appropriate account maintained under subsection (a) to the national committee of a major party or minor party which elects to receive its entitlement under this subsection. Such payments shall be available for use by such committee in accordance with the provisions of subsection (c).
(4) *Limitation.*—Payments to the national committee of a major party or minor party under this subsection from the account designated for such committee shall be limited to the amounts in such account at the time of payment.
(5) *Adjustment of entitlements.*—The entitlements established by this subsection shall be adjusted in the same manner as expenditure limitations established by section 315(b) and section 315(d) of the Federal Election Campaign Act of 1971 are adjusted pursuant to the provisions of section 315(c) of such Act.

(c) *Use of funds.*—No part of any payment made under subsection (b) shall be used to defray the expenses of any candidate or delegate who is participating in any presidential nominating convention. Such payments shall be used only—
(1) to defray expenses incurred with respect to a presidential nominating convention (including the payment of deposits)

by or on behalf of the national committee receiving such payments; or

(2) to repay loans the proceeds of which were used to defray such expenses, or otherwise to restore funds (other than contributions to defray such expenses received by such committee) used to defray such expenses.

(d) *Limitation of expenditures.*

(1) *Major parties.*—Except as provided by paragraph (3), the national committee of a major party may not make expenditures with respect to a presidential nominating convention which, in the aggregate, exceed the amount of payments to which such committee is entitled under subsection (b)(1).

(2) *Minor parties.*—Except as provided by paragraph (3), the national committee of a minor party may not make expenditures with respect to a presidential nominating convention which, in the aggregate, exceed the amount of the entitlement of the national committee of a major party under subsection (b)(1).

(3) *Exception.*—The Commission may authorize the national committee of a major party or minor party to make expenditures which, in the aggregate, exceed the limitation established by paragraph (1) or paragraph (2) of this subsection. Such authorization shall be based on a determination by the Commission that, due to extraordinary and unforeseen circumstances, such expenditures are necessary to assure the effective operation of the presidential nominating convention by such committee.

(4) *Provision of legal or accounting services.*—For purposes of this section, the payment, by any person other than the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services) of compensation to any individual for legal or accounting services rendered to or on behalf of the national committee of a political party shall not be treated as an expenditure made by or on behalf of such committee with respect to its limitations on presidential nominating convention expenses.

(e) *Availability of payments.*

The national committee of a major party or minor party may receive payments under subsection (b)(3) beginning on July 1 of the calendar year immediately preceding the calendar year in which a presidential nominating convention of the political party involved is held.

(f) *Transfer to the fund.*

If, after the close of a presidential nominating convention and after the national committee of the political party involved has been paid the amount which it is entitled to receive under this section, there are moneys remaining in the account of such national committee, the Secretary shall transfer the moneys so remaining to the fund.

(g) *Certification by Commission.*

Any major party or minor party may file a statement with the Commission in such form and manner and at such times

as it may require, designating the national committee of such party. Such statement shall include the information required by section 303(b) of the Federal Election Campaign Act of 1971, together with such additional information as the Commission may require. Upon receipt of a statement filed under the preceding sentences, the Commission promptly shall verify such statement according to such procedures and criteria as it may establish and shall certify to the Secretary for payment in full to any such committee of amounts to which such committee may be entitled under subsection (b). Such certifications shall be subject to an examination and audit which the Commission shall conduct no later than December 31 of the calendar year in which the presidential nominating convention involved is held.

(h) *Repayments.*
The Commission shall have the same authority to require repayments from the national committee of a major party or a minor party as it has with respect to repayments from any eligible candidate under section 9007(b). The provisions of section 9007(c) and section 9007(d) shall apply with respect to any repayment required by the Commission under this subsection.
(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 569; Pub. L. 93–443, title IV, § 406(a), Oct. 15, 1974, 88 Stat. 1294; Pub. L. 94–283, title III, §§ 303, 307(a), May 11, 1976, 90 Stat. 498, 501; Pub. L. 96–187, title II, § 202, Jan. 8, 1980, 93 Stat. 1368; Pub. L. 98–355, § 1(a), (b) July 11, 1984, 98 Stat. 394.)

26 U.S.C. § 9009. Reports to Congress; regulations
(a) *Reports.*
The Commission shall, as soon as practicable after each presidential election, submit a full report to the Senate and House of Representatives setting forth—
(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees;
(2) the amounts certified by it under section 9005 for payment to the eligible candidates of each political party;
(3) the amount of payments, if any, required from such candidates under section 9007, and the reasons for each payment required; and
(4) the expenses incurred by the national committee of a major party or minor party with respect to a presidential nominating convention;
(5) the amounts certified by it under section 9008(g) for payment to each such committee; and
(6) the amount of payments, if any, required from such committees under section 9008(h), and the reasons for each such payment.
Each report submitted pursuant to this section shall be printed as a Senate document.

(b) *Regulations, etc.*

The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and audits (in addition to the examinations and audits required by section 9007(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this chapter.

(c) *Review of regulations.*

(1) The Commission before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either such House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law.

(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 569; Pub. L. 93–443, title IV, §§ 404(c)(12), (13), 406(b)(1), 409, Oct. 15, 1974, 88 Stat. 1292, 1293, 1296, 1303; Pub. L. 94–283, title III, § 304(a), May 11, 1976, 90 Stat. 498.)

26 U.S.C. § 9010. Participation by Commission in judicial proceedings

(a) *Appearance by counsel.*

The Commission is authorized to appear in and defend against any action filed under section 9011, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) *Recovery of certain payments.*
The Commission is authorized through attorneys and counsel described in subsection (a) to appear in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of examination and audit made pursuant to section 9007.

(c) *Declaratory and injunctive relief.*
The Commission is authorized through attorneys and counsel described in subsection (a) to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter covered by the provisions of this subtitle or section 6096. Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.

(d) *Appeal.*
The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.
(Added Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 569; Pub. L. 93–443, title IV, § 404(c)(14)–(18), Oct. 15, 1974, 88 Stat. 1293; Pub. L. 94–455, title XIX, § 1906(b)(13)(C), Oct. 4, 1976, 90 Stat. 1834; Pub. L. 98–620, title IV, § 402(28)(E), Nov. 8, 1984, 98 Stat. 3359.)

26 U.S.C. § 9011. Judicial review
(a) *Review of certification, determination, or other action by the Commission.*
Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia upon petition filed in such Court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after the certification, determination, or other action by the Commission for which review is sought.

(b) *Suits to implement chapter.*
(1) The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this chapter.
(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the

provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.
(Pub. L. 92–178, title VIII, § 801, Dec. 10, 1971, 85 Stat. 570; Pub. L. 93–443, title IV, § 404(c)(19)–(21), Oct. 15, 1974, 88 Stat. 1293; Pub. L. 98–620, title IV, § 402(28)(F), Nov. 8, 1984, 98 Stat. 3359.)

26 U.S.C. § 9012. Criminal penalties

(a) *Excess expenses.*
(1) It shall be unlawful for an eligible candidate of a political party for President and Vice President in a presidential election or any of his authorized committees knowingly and willfully to incur qualified campaign expenses in an amount which exceeds the qualified campaign expenses in excess of the aggregate payments to which the eligible candidates of a major party are entitled under section 9004 with respect to such election. It shall be unlawful for the national committee of a major party or minor party knowingly and willfully to incur expenses with respect to a presidential nominating convention in excess of the expenditure limitation applicable with respect to such committee under section 9008(d), unless the incurring of such expenses is authorized by the Commission under section 9008(d)(3).
(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(b) *Contributions.*
(1) It shall be unlawful for an eligible candidate of a major party in a presidential election or any of his authorized committees knowingly and willfully to accept any contribution to defray qualified campaign expenses, except to the extent necessary to make up any deficiency in payments received out of the fund on account of the application of section 9006(c), or to defray expenses which would be qualified campaign expenses but for subparagraph (C) of section 9002(11).
(2) It shall be unlawful for an eligible candidate of a political party (other than a major party) in a presidential election or any of his authorized committees knowingly and willfully to accept and expend or retain contributions to defray qualified campaign expenses in an amount which exceeds the qualified campaign expenses incurred with respect to such election by such eligible candidate and his authorized committees.
(3) Any person who violates paragraph (1) or (2) shall be fined not more than $5,000, or imprisoned not more than one year, or both. In the case of a violation by an authorized committee, any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(c) *Unlawful use of payments.*
(1) It shall be unlawful for any person who receives any payment under section 9006, or to whom any portion of any pay-

ment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

(2) It shall be unlawful for the national committee of a major party or minor party which receives any payment under section 9008(b)(3) to use, or authorize the use of, such payment for any purpose other than a purpose authorized by section 9008(c).

(3) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(d) *False statements, etc.*

(1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this subtitle, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this chapter; or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this chapter.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(e) *Kickbacks and illegal payments.*

(1) it shall be unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees. It shall be unlawful for the national committee of a major party or minor party knowingly and willfully to give or accept any kickback or any illegal payment in connection with any expense incurred by such committee with respect to a presidential nominating convention.

(2) Any person who violates paragraph (1) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of eligible candidates or their authorized committees, or in connection with any expense incurred by the national committee of a major party or minor party with respect to a presidential nominating convention shall pay to the Secretary of the Treasury, for deposit in the general fund of the Treasury, an amount equal to 125 percent of the kickback or payment received.

(f) *Unauthorized expenditures and contributions.*
(1) Except as provided in paragraph (2), it shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding $1,000.
(2) This subsection shall not apply to (A) expenditures by a broadcaster regulated by the Federal Communications Commission, or by a periodical publication, in reporting the news or in taking editorial positions, or (B) expenditures by any organization described in section 501(c) which is exempt from tax under section 501(a) in communicating to its members the views of that organization.
(3) Any political committee which violates paragraph (1) shall be fined not more than $5,000, and any officer or member of such committee who knowingly and willfully consents to such violation and any other individual who knowingly and willfully violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(g) *Unauthorized disclosure of information.*
(1) It shall be unlawful for any individual to disclose any information obtained under the provisions of this chapter except as may be required by law.
(2) Any person who violates paragraph (1) shall be fined not more than $5,000, or imprisoned not more than one year, or both.
(Pub. L. 92–178, title VII, § 801, Dec. 10, 1971, 85 Stat. 570; Pub. L. 93–53, § 6(c), July 1, 1973, 87 Stat. 139; Pub. L. 93–443, title IV, §§ 404(c)(22), 406(b)(2)–(6), Oct. 15, 1974, 88 Stat. 1293, 1296; Pub. L. 94–283, title III, § 307(f), May 11, 1976, 90 Stat. 502; Pub. L. 94–455, title XIX, § 1906(b)(13)(C), Oct. 4, 1976, 90 Stat. 1834.)

CHAPTER 96—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

26 U.S.C. § 9031. Short title
This chapter may be cited as the "Presidential Primary Matching Payment Account Act".
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1297.)

26 U.S.C. § 9032. Definitions
For purposes of this chapter—
(1) The term "authorized committee" means, with respect to the candidates of a political party for President and Vice President of the United States, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any with-

drawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.
(2) The term "candidate" means an individual who seeks nomination for election to be President of the United States. For purposes of this paragraph, an individual shall be considered to seek nomination for election if he (A) takes the action necessary under the law of a State to qualify himself for nomination for election, (B) receives contributions or incurs qualified campaign expenses, or (C) gives his consent for any other person to receive contributions or to incur qualified campaign expenses on his behalf. The term "candidate" shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.
(3) The term "Commission" means the Federal Election Commission established by section 309(a)(1) of the Federal Election Campaign Act of 1971.
(4) Except as provided by section 9034(a), the term "contribution"—
(A) means a gift, subscription, loan, advance, or deposit of money, or anything of value, the payment of which was made on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such gift, subscription, loan, advance, or deposit of money, or anything of value, is made, for the purpose of influencing the result of a primary election,
(B) means a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose.
(C) means funds received by a political committee which are transferred to that committee from another committee, and
(D) means the payment by any person other than a candidate, or his authorized committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge, but
(E) does not include—
(i) except as provided in subparagraph (D), the value of personal services rendered to or for the benefit of a candidate by an individual who receives no compensation for rendering such service to or for the benefit of the candidate, or
(ii) payments under section 9037.
(5) The term "matching payment account" means the Presidential Primary Matching Payment Account established under section 9037(a).
(6) The term "matching payment period" means the period beginning with the beginning of the calendar year in which a general election for the office of President of the United States will be held and ending on the date on which the national convention of the party whose nomination a candidate seeks nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, ending on the earlier of (A) the date such party nominates its candidate for the office of President of the United States, or (B) the last

day of the last national convention held by a major party during such calendar year.
(7) The term "primary election" means an election, including a runoff election or a nominating convention or caucus held by a political party, for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President of the United States.
(8) The term "political committee" means any individual, committee, association, or organization (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination of any person for election to the office of President of the United States.
(9) The term "qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or of anything of value—
(A) incurred by a candidate, or his authorized committee, in connection with his campaign for nomination for election, and
(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which the expense is incurred or paid.
For purposes of this paragraph, an expense is incurred by a candidate or by an authorized committee if it is incurred by a person specifically authorized in writing by the candidate or committee, as the case may be, to incur such expense on behalf of the candidate or the committee.
(10) The term "State" means each State of the United States and the District of Columbia.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1297; Pub. L. 94–283, title I, § 115(c)(2), title III, § 306(b)(1), May 11, 1976, 90 Stat. 495, 500.)

26 U.S.C. § 9033. Eligibility for payments

(a) *Conditions.*
To be eligible to receive payments under section 9037, a candidate shall, in writing—
(1) agree to obtain and furnish to the Commission any evidence it may request of qualified campaign expenses.
(2) agree to keep and furnish to the Commission any records, books, and other information it may request, and
(3) agree to an audit and examination by the Commission under section 9038 and to pay any amounts required to be paid under such section.

(b) *Expense limitation; declaration of intent; minimum contributions.*
To be eligible to receive payments under section 9037, a candidate shall certify to the Commission that—
(1) the candidate and his authorized committees will not incur qualified campaign expenses in excess of the limitations on such expenses under section 9035,
(2) the candidate is seeking nomination by a political party for election to the office of President of the United States,

(3) the candidate has received matching contributions which in the aggregate, exceed $5,000 in contributions from residents of each of at least 20 States, and
(4) the aggregate of contributions certified with respect to any person under paragraph (3) does not exceed $250.

(c) *Termination of payments.*
(1) *General rule.*—Except as provided by paragraph (2), no payment shall be made to any individual under section 9037—
(A) if such individual ceases to be a candidate as a result of the operation of the last sentence of section 9032(2); or
(B) more than 30 days after the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candidates of the same party for the same office in such primary election, if such individual permitted or authorized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.
(2) *Qualified campaign expenses; payments to secretary.*—Any candidate who is ineligible under paragraph (1) to receive any payments under section 9037 shall be eligible to continue to receive payments under section 9037 to defray qualified campaign expenses incurred before the date upon which such candidate becomes ineligible under paragraph (1).
(3) *Calculation of voting percentage.*—For purposes of paragraph (1)(B), if the primary elections involved are held in more than one State on the same date, a candidate shall be treated as receiving that percentage of the votes on such date which he received in the primary election conducted on such date in which he received the greatest percentage vote.
(3) *Reestablishment of eligibility.*—
(A) In any case in which an individual is ineligible to receive payments under section 9037 as a result of the operation of paragraph (1)(A), the Commission may subsequently determine that such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission shall make such determination without requiring such individual to reestablish his eligibility to receive payments under subsection (a).
(B) Notwithstanding the provisions of paragraph (1)(B), a candidate whose payments have been terminated under paragraph (1)(B) may again receive payments (including amounts he would have received but for paragraph (1)(B)) if he receives 20 percent or more of the total numbers of votes cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1299; Pub. L. 94–283, title III, §§ 305(c), 306(b)(2), May 11, 1976, 90 Stat. 499, 500.)

26 U.S.C. § 9034. Entitlement of eligible candidates to payments
(a) *In general.*

Every candidate who is eligible to receive payments under section 9033 is entitled to payments under section 9037 in an amount equal to the amount of each contribution received by such candidate on or after the beginning of the calendar year immediately preceding the calendar year of the presidential election with respect to which such candidate is seeking nomination, or by his authorized committees, disregarding any amount of contributions from any person to the extent that the total of the amounts contributed by such person on or after the beginning of such preceding calendar year exceeds $250. For purposes of this subsection and section 9033(b), the term "contribution" means a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address, but does not include a subscription, loan, advance, or deposit of money, or anything of value or anything described in subparagraph (B), (C), or (D) of section 9032(4).

(b) *Limitations.*
The total amount of payments to which a candidate is entitled under subsection (a) shall not exceed 50 percent of the expenditure limitation applicable under section 320(b)(1)(A) of the Federal Election Campaign Act of 1971.
(Pub. L. 93–443, title IX, § 408(c), Oct. 15, 1974, 88 Stat. 1299; Pub. L. 94–283, title III, § 307(b), May 11, 1976, 90 Stat. 501.)

26 U.S.C. § 9035. Qualified campaign expense limitation
(a) *Expenditure limitations.*
No candidate shall knowingly incur qualified campaign expenses in excess of the expenditure limitation applicable under section 320(b)(1)(A) of the Federal Election Campaign Act of 1971, and no candidate shall knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, $50,000.

(b) *Definition of immediate family.*
For purposes of this section, the term "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300; Pub. L. 94–283, title III, §§ 305(a), 307(c), May 11, 1976, 90 Stat. 499, 501.)

26 U.S.C. § 9036. Certification by Commission
(a) *Initial certifications.*
Not later than 10 days after a candidate establishes his eligibility under section 9033 to receive payments under section 9037, the Commission shall certify to the Secretary for payment to such candidate under section 9037 payment in full of amounts to which such candidate is entitled under section 9034. The Commission shall make such additional certifications as may be necessary to permit candidates to receive payments for contributions under section 9037.

(b) *Finality of determinations.*
Initial certifications by the Commission under subsection (a), and all determinations made by it under this chapter, are final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 9038 and judicial review under section 9041.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300.)

26 U.S.C. § 9037. Payments to eligible candidates
(a) *Establishment of account.*
The Secretary shall maintain in the Presidential Election Campaign Fund established by section 9006(a), in addition to any account which he maintains under such section, a separate account to be known as the Presidential Primary Matching Payment Account. The Secretary shall deposit into the matching payment account, for use by the candidate of any political party who is eligible to receive payments under section 9033, the amount available after the Secretary determines that amounts for payments under section 9006(c) and for payments under section 9008(b)(3) are available for such payments.

(b) *Payments from the matching payment account.*
Upon receipt of a certification from the Commission under section 9036, but not before the beginning of the matching payment period, the Secretary shall promptly transfer the amount certified by the Commission from the matching payment account to the candidate. In making such transfers to candidates of the same political party, the Secretary shall seek to achieve an equitable distribution of funds available under subsection (a), and the Secretary shall take into account in seeking to achieve an equitable distribution, the sequence in which such certifications are received.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300; Pub. L. 94–455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9038. Examinations and audits; repayments
(a) *Examinations and audits.*
After each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of every candidate and his authorized committees who received payments under section 9037.

(b) *Repayments.*
(1) If the Commission determines that any portion of the payments made to a candidate from the matching payment account was in excess of the aggregate amount of payments to which such candidate was entitled under section 9034, it shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the amount of excess payments.
(2) If the Commission determines that any amount of any payment made to a candidate from the matching payment account was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or
(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses,
it shall notify such candidate of the amount so used, and the candidate shall pay to the Secretary an amount equal to such amount.
(3) Amounts received by a candidate from the matching payment account may be retained for the liquidation of all obligations to pay qualified campaign expenses incurred for a period not exceeding 6 months after the end of the matching payment period. After all obligations have been liquidated, that portion of any unexpended balance remaining in the candidate's accounts which bears the same ratio to the total unexpended balance as the total amount received from the matching payment account bears to the total of all deposits made into the candidate's accounts shall be promptly repaid to the matching payment account.

(c) *Notification.*
No notification shall be made by the Commission under subsection (b) with respect to a matching payment period more than 3 years after the end of such period.

(d) *Deposit of repayments.*
All payments received by the Secretary under subsection (b) shall be deposited by him in the matching payment account. (Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1300; Pub. L. 94–455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9039. Reports to Congress; regulations
(a) *Reports.*
The Commission shall, as soon as practicable after each matching payment period, submit a full report to the Senate and House of Representatives setting forth—
(1) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by the candidates of each political party and their authorized committees,
(2) the amounts certified by it under section 9036 for payment to each eligible candidate, and
(3) the amount of payments, if any, required from candidates under section 9038, and the reasons for each payment required.
Each report submitted pursuant to this section shall be printed as a Senate document.

(b) *Regulations, etc.*
The Commission is authorized to prescribe rules and regulations in accordance with the provisions of subsection (c), to conduct examinations and audits (in addition to the examinations and audits required by section 9038(a)), to conduct investigations, and to require the keeping and submission of

any books, records, and information, which it determines to be necessary to carry out its responsibilities under this chapter.

(c) *Review of regulations.*

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may prescribe such rule or regulation. Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. The Commission may not prescribe any rule or regulation which is disapproved by either House under this paragraph.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(4) For purposes of this subsection, the term "rule or regulation" means a provision or series of interrelated provisions stating a single separable rule of law.

(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1301; Pub. L. 94–283, title III, § 304(b), May 11, 1976, 90 Stat. 499.)

26 U.S.C. § 9040. Participation by Commission in judicial proceedings

(a) *Appearance by counsel.*

The Commission is authorized to appear in and defend against any action instituted under this section, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

(b) *Recovery of certain payments.*

The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined to be payable to the Secretary as a result of an examination and audit made pursuant to section 9038.

(c) *Injunctive relief.*
The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate to implement any provision of this chapter.

(d) *Appeal.*
The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1302; Pub. L. 94–455, title XIX, § 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1834.)

26 U.S.C. § 9041. Judicial review
(a) *Review of agency action by the Commission.*
Any agency action by the Commission made under the provisions of this chapter shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought.

(b) *Review procedures.*
The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.
(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1302.)

26 U.S.C. § 9042. Criminal penalties
(a) *Excess campaign expenses.*
Any person who violates the provisions of section 9035 shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of section 9035 shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

(b) *Unlawful use of payments.*
(1) It is unlawful for any person who receives any payment under section 9037, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—
(A) to defray qualified campaign expenses, or
(B) to repay loans, the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses.
(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(c) *False statements, etc.*

(1) It is unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this chapter, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this chapter, or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this chapter.

(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(d) *Kickbacks and illegal payments.*

(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any qualified campaign expense of a candidate, or his authorized committees, who receives payments under section 9037.

(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any qualified campaign expense of a candidate or his authorized committees shall pay to the Secretary for deposit in the matching payment account an amount equal to 125 percent of the kickback or payment received.

(Pub. L. 93–443, title IV, § 408(c), Oct. 15, 1974, 88 Stat. 1302.)

L. Communications Media (Title 47, United States Code)

47 U.S.C. § 312. Administrative sanctions

(a) Revocation of station license or construction permit.
The Commission may revoke any station license or construction permit—
(1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308 [47 USCS § 308];
(2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;
(3) for willful or repeated failure to operate substantially as set forth in the license;
(4) for willful or repeated violation of, or willful or repeated failure to observe any provision of this Act or any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States;
(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section;
(6) for violation of section 1304, 1343, or 1464 of title 18 of the United States Code; or
(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station, other than a noncommercial educational broadcast station, by a legally qualified candidate for Federal elective office on behalf of his candidacy.
(b) Cease and desist orders. Where any person (1) has failed to operate substantially as set forth in a license, (2) has violated or failed to observe any of the provisions of this Act, or section 1304, 1343, or 1464 of title 18 of the United States Code, or (3) has violated or failed to observe any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States, the Commission may order such person to cease and desist from such action.
(c) Order to show cause. Before revoking a license or permit pursuant to subsection (a), or issuing a cease and desist order pursuant to subsection (b), the Commission shall serve upon the licensee, permittee, or person involved an order to show cause why an order of revocation or a cease and desist order should not be issued. Any such order to show cause shall contain a statement of the matters with respect to which the Commission is inquiring and shall call upon said licensee, permittee, or person to appear here before the Commission at a time and place stated in the order, but in no event less than thirty days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period. If after hearing, or a waiver thereof, the Commission determines that an order of revocation or a cease and desist order should issue, it shall issue such order, which shall include a statement of the findings of the Commission and the grounds and reasons therefor and specify the effective date of the order,

and shall cause the same to be served on said licensee, permittee, or person.

(d) Burden of proof. In any case where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Commission.

(e) Procedure for issuance of cease and desist order. The provisions of section 9(b) of the Administrative Procedure Act [5 USCS 558(c)] which apply with respect to the institution of any proceeding for the revocation of a license or permit shall apply also with respect to the institution, under this section, of any proceeding for the issuance of a cease and desist order.

(f) "Willful" and "repeated" defined. For purposes of this section:

(1) The term "willful", when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act or any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States.

(2) The term "repeated", when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.

(g) Limitation on silent station authorizations. If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness. Any broadcast license revoked or terminated in Alaska in a proceeding related to broadcasting via translator, microwave, or other alternative signal delivery is reinstated. (June 19, 1934, ch. 652, title III, § 312, 48 Stat. 1086; July 16, 1952, ch 879, § 10, 66 Stat. 716; Pub. L. 86–752, § 6, Sept. 13, 1960, 74 Stat. 893; Pub. L. 92225, title I, § 103(a)(2)(A), Feb. 7, 1972, 86 Stat. 4; Pub. L. 97–259, title I, § 117, Sept. 13, 1982, 96 Stat. 1095; Pub. L. 104–104, title IV, § 403(1), Feb. 8, 1996, 110 Stat. 132; Pub. L. 106–554, § 1(a)(4), Dec. 21, 2000, 114 Stat. 2763; Pub. L. 108–447, div J, title IX, title II, § 213(3), Dec. 8, 2004, 118 Stat. 3431.)

47 U.S.C. § 315. Candidates for public office

(a) Equal opportunities requirement; censorship prohibition; allowance of station use; news appearances exception; public interest; public issues discussion opportunities. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided,* That such licensee shall have no power of censorship over the material broadcast under the provisions of this sec-

tion. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) *Charges.*

(1) In general. The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

(A) subject to paragraph (2), during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

(B) at any other time, the charges made for comparable use of such station by other users thereof.

(2) Content of broadcasts.

(A) In general. In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) for the use of any broadcasting station unless the candidate provides written certification to the broadcast station that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).

(B) Limitation on charges. If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or (D), such candidate shall not be entitled to receive the rate under paragraph (1)(A) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

(C) Television broadcasts. A candidate meets the requirements of this subparagraph if, in the case of a television

broadcast, at the end of such broadcast there appears simultaneously, for a period no less than 4 seconds—
(i) a clearly identifiable photographic or similar image of the candidate; and
(ii) a clearly readable printed statement, identifying the candidate and stating that the candidate has approved the broadcast and that the candidate's authorized committee paid for the broadcast.
(D) Radio broadcasts. A candidate meets the requirements of this subparagraph if, in the case of a radio broadcast, the broadcast includes a personal audio statement by the candidate that identifies the candidate, the office the candidate is seeking, and indicates that the candidate has approved the broadcast.
(E) Certification. Certifications under this section shall be provided and certified as accurate by the candidate (or any authorized committee of the candidate) at the time of purchase.
(F) Definitions. For purposes of this paragraph, the terms "authorized committee" and "Federal office" have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

(c) *Definitions.*
For purposes of this section—
(1) the term "broadcasting station" includes a community antenna television system; and
(2) the terms "licensee" and "station licensee" when used with respect to a community antenna television system mean the operator of such system.

(d) *Rules and regulations. The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.*

(e) *Political record.*
(1) In general. A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—
(A) is made by or on behalf of a legally qualified candidate for public office; or
(B) communicates a message relating to any political matter of national importance, including—
(i) a legally qualified candidate;
(ii) any election to Federal office; or
(iii) a national legislative issue of public importance.
(2) Contents of record. A record maintained under paragraph (1) shall contain information regarding—
(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;
(B) the rate charged for the broadcast time;
(C) the date and time on which the communication is aired;
(D) the class of time that is purchased;
(E) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

(F) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

(G) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

(3) Time to maintain file. The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.

(June 19, 1934, ch. 652, title III, § 315, 48 Stat. 1088; July 16, 1952, ch. 879, § 11, 66 Stat. 717; Pub. L. 86–274, § 1, Sept. 14, 1959, 73 Stat. 557; Pub. L. 92–225, title I, §§ 103(a)(1), (2)(B), 104(c), Feb. 7, 1972, 86 Stat. 4, 7; Pub. L. 93–443, title IV, § 402, Oct. 15, 1974, 88 Stat. 1291; Pub. L. 107–155, title III, § 305(a), (b), title V, § 504, March 27, 2002, 116 Stat. 100, 115.)

PART II. NOMINATION OF THE PRESIDENT AND VICE PRESIDENT

A. Calendar for Party Caucuses/Conventions and Presidential Primaries in 2008

Date	State	Party	Caucus/Convention/Primary
January 3	Iowa	D&R	Caucuses
January 5	Wyoming	R	County Convention
January 8	New Hampshire	D&R	Primary
January 15	Michigan	D&R	Primary
January 19	Nevada	D&R	Caucuses
January 19	South Carolina	R	Primary
January 25	Hawaii	R	Caucuses (1/25–2/7)
January 26	South Carolina	D	Primary
January 29	Florida	D&R	Primary
February 1	Maine	R	Caucuses (2/1–2/3)
February 5	Alabama	D&R	Primary
February 5	Alaska	D&R	Caucuses
February 5	Arizona	D&R	Primary
February 5	Arkansas	D&R	Primary
February 5	California	D&R	Primary
February 5	Colorado	D&R	Caucuses
February 5	Connecticut	D&R	Primary
February 5	Delaware	D&R	Primary
February 5	Georgia	D&R	Primary
February 5	Idaho	D	Caucuses
February 5	Illinois	D&R	Primary
February 5	Kansas	D	Caucuses
February 5	Massachusetts	D&R	Primary
February 5	Minnesota	D&R	Caucuses
February 5	Missouri	D&R	Primary
February 5	Montana	R	Caucuses
February 5	New Jersey	D&R	Primary
February 5	New Mexico	D	Primary
February 5	New York	D&R	Primary
February 5	North Dakota	D&R	Caucuses
February 5	Oklahoma	D&R	Primary
February 5	Tennessee	D&R	Primary
February 5	Utah	D&R	Primary
February 5	West Virginia	R	State convention
February 9	Kansas	R	Caucuses
February 9	Louisiana	D&R	D—Primary; R—Caucuses
February 9	Nebraska	D	Caucuses
February 9	Washington	D&R	Caucuses
February 10	Maine	D	Caucuses
February 12	District of Columbia	D&R	D—Caucuses; R—Primary
February 12	Maryland	D&R	Primary
February 12	Virginia	D&R	Primary
February 19	Hawaii	D	Caucuses
February 19	Wisconsin	D&R	Primary
March 4	Rhode Island	D&R	Primary
March 4	Ohio	D&R	Primary
March 4	Texas	D&R	Primary
March 4	Vermont	D&R	Primary
March 8	Wyoming	D	Caucuses
March 11	Mississippi	D&R	Primary
April 22	Pennsylvania	D&R	Primary
May 6	Indiana	D&R	Primary
May 6	North Carolina	D&R	Primary

Date	State	Party	Caucus/Convention/Primary
May 13	Nebraska	R	Advisory-only primary
May 13	West Virginia	D	Primary
May 20	Kentucky	D&R	Primary
May 20	Oregon	D&R	Primary
May 27	Idaho	D&R	D—Non-binding primary; R—Primary
June 3	Montana	D	Primary
June 3	New Mexico	R	Primary
June 3	South Dakota	D&R	Primary
June 28	Nebraska	R	State Convention

B. Significant Court Decisions Affecting Delegate Selection Procedures and the Convention System [1]

As a result of the freedom of association provided by the First Amendment, political parties have traditionally enjoyed significant liberty in their efforts to advance their political goals. As the Supreme Court stated in the 1958 case of *NAACP* v. *Alabama ex rel. Patterson*: [2]

> It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the "liberty" assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech . . . Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious, or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.[3]

Subsequently, however, a conflict has developed between this freedom of political parties and the freedom of each individual to participate equally in the political process. The Third Circuit summarized this conflict in *Redfern* v. *Delaware Republican State Committee*: [4]

> This appeal involves, but unfortunately does not resolve, the conflict between two constitutionally protected interests; the right of freedom of association for the achievement of desired political ends—protected by the first amendment—and the right to have one's vote in an election for public office given equal weight with that of other voters—protected by the equal protection clause of the fourteenth amendment.[5]

As a result of this conflict, there have been several challenges to party rules by those claiming that delegate apportionment guidelines, under certain circumstances, violate the "one person, one vote" standard established by the Supreme Court in the landmark case of *Wesberry* v. *Sanders*.[6]

For example, in *Ripon Society* v. *National Republican Party*,[7] the District of Columbia Circuit addressed this issue, holding that the particular nature and goals of a political party were such as to make permissible some deviation from the one person, one vote standard.[8] In this case, the Ripon Society, an organization associated with the National Republican Party, and party members from several states who claimed to be underrepresented under the formula for apportionment of delegates to the 1976 Republican National Convention, brought suit challenging this formula. The challenge was primarily directed to that part of the formula which apportioned 607 delegates, representing 27 percent of the total of approximately 2,242 delegates to the Convention, on the basis of a Republican vote in the 1972 Presidential election and on the basis of Republican victories in the 1972 and

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[1] By L. Paige Whitaker, Legislative Attorney, Congressional Research Service, Library of Congress.
[2] 357 U.S. 449 (1958).
[3] *Id.* at 460–461.
[4] 502 F.2d. 1123 (3rd Cir. 1971).
[5] *Id.* at 1125.
[6] 376 U.S. 1, 8 (1964).
[7] 525 F.2d 567 (D.C. Cir. 1975), *cert. den.* 424 U.S. 186 (1976).
[8] *Id.* at 588.

1974 senatorial, gubernatorial, and congressional elections. Plaintiffs claimed that this formula unfairly discriminated against party members residing in states which had not fashioned such Republican victories, denying them their constitutional right of equal representation under the "one-person, one-vote" doctrine.[9] The lower court had found that the use of the uniform victory bonuses was improper and enjoined their use in the apportionment of delegates to the 1976 convention.[10] On a rehearing *en banc*, however, the Court of Appeals reversed its earlier decision and ruled in favor of the proposed allocation formula.

After reviewing pertinent precedents, the *Ripon* court concluded:

> The Supreme Court's inquiry into these matters has led it to the conclusion that where the assembly exercises formal governmental powers one person, one vote is ordinarily required. A similar inquiry in other contexts may well reveal that the public and private interests in making decisions through some other scheme of representation outweigh the interests served by numerically equal apportionment.[11]

In its seminal 1975 decision, *Cousins* v. *Wigoda*,[12] the Supreme Court ruled that a national political party enjoyed "a constitutionally protected right of political association" in its selection of delegates for the national nominating convention, which had primacy over the state's interest in protecting the integrity of the electoral process. Because the election of the President and Vice President was of national interest, according to the Court, the state lacked a compelling reason for exercising control over the party's delegate selection process.

The *Cousins* case arose in 1972 between two groups of delegates to the Democratic National Convention, both of whom maintained that they represented the Chicago area of Illinois. The Cousins delegates challenged the seating of 59 of these delegates—known as the Wigoda delegates—before the National Democratic Party's Credentials Committee, claiming that the procedures under which the Wigoda delegates were selected violated party rules, including affirmative action guidelines involving participation by minorities, women, and youth.[13] The Democratic Party ultimately unseated the Wigoda delegates and seated the Cousins delegates—who had been chosen in party caucuses—in their stead. Subsequently, contempt proceedings were brought against the Cousins delegates claiming that their seating violated Illinois law requiring delegates to be selected through a primary election.

Ruling in favor of the Cousins delegates and reversing an Illinois appellate court decision, the Supreme Court held that the State of Illinois' interest in protecting the integrity of its electoral process cannot be considered compelling in the context of the selection of delegates for the national nominating

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[9] *Id.* at 570–73.
[10] Ripon Soc'y Inc. v. National Republican Party, 369 F. Supp. 368 (D.D.C. 1974).
[11] *Id.* at 580.
[12] 419 U.S. 477 (1975).
[13] *See id.* at 479–80, n. 1.

convention.[14] Citing its 1957 decision in *Kusper* v. *Pontikes*,[15] the Court recognized that a person's right to associate with a political party of choice is integral to the freedom of association guaranteed under the First Amendment.[16] In addition, the Court found that the competing state interest in protecting the integrity of its electoral process is not compelling because suffrage was already exercised at the primary to elect delegates to the Convention. According to the Court:

> Delegates perform a task of supreme importance to every citizen of the Nation regardless of their State of residence. The vital business of the Convention is the nomination of the Party's candidates for the offices of President and Vice President of the United States. . . . The States themselves have no constitutionally mandated role in the great task of the selection of Presidential and Vice-Presidential candidates. If the qualifications and eligibility of delegates to National Political Party Conventions were left to state law "each of the fifty states could establish the qualifications of its delegates to the various party conventions without regard to party policy, an obviously intolerable result."[17]

Since its decision in *Cousins*, the Court has generally continued to uphold the rights of the political parties in cases of conflict with state law. For example, in its 1981 decision in *Democratic Party of United States* v. *Wisconsin ex rel. La Follette*,[18] the Supreme Court overruled a Wisconsin Supreme Court decision finding supremacy of the state law providing for an open primary election—which allowed voting without requiring declaration of a party preference and without regard to party affiliation—against conflicting Democratic Party rules that prohibited delegates from being selected by anyone but registered Democrats. The Court found that states do not have a constitutionally mandated role in regulating the task of the national conventions to nominate presidential and vice presidential candidates and, in determining the qualifications and eligibility of such delegates to the national conventions, no primacy is to be accorded to a state's election laws over a national party's rules.[19]

Similarly, in its more recent 2000 decision, *California Democratic Party* v. *Jones*,[20] the Court determined that California could not require the Democratic and Republican parties to nominate their candidates through a blanket primary system whereby each voter's ballot lists all candidates—regardless of party affiliation—and permits the voter to choose among them (as opposed to a closed primary where only a party's members can vote for its nominees). While the Court found that the state had a major role to play in structuring and monitoring the election process—including primary elections—when it regulated the internal processes of political

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[14] *See id.* at 491.
[15] 414 U.S. 51 (1973).
[16] *Cousins,* 419 U.S. at 487 (citing Kusper v. Pontikes, 414 U.S. 51, 56–57 (1973)).
[17] *Id.* at 489–90 (quoting Wigoda v. Cousins, 342 F.Supp. 82, 86 (ND Ill. 1972)).
[18] 450 U.S. 107 (1981).
[19] *See id.* at 121–25.
[20] 530 U.S. 567 (2000).

parties, it had to do so "within limits imposed by the Constitution."[21]

The First Amendment, according to the Court, protects "the freedom to join together in furtherance of common political beliefs."[22] But this freedom, the Court cautioned, "necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only."[23] In other words, the Court stated, a corollary of the right to associate is also the right not to associate: "Freedom of association would prove an empty guarantee if associations could not limit control over their decisions to those who share the interests and persuasions that underlie the association's being."[24]

Therefore, the Court determined that members of a recognized political party had a constitutional right to select their nominees, announcing that "[i]n no area is the political association's right to exclude more important than in the process of selecting its nominee."[25] In concluding, the Court found that the California statute was not narrowly tailored and did not advance a compelling state interest. Indeed, the Court announced that the statute would result in nominees who do not share the beliefs of the parties, thereby creating a burden that "is both severe and unnecessary."[26]

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[21] *Id.* at 572–73 (citing Eu v. San Francisco County Democratic Central Comm., 489 U.S. 214 (1989); Democratic Party of United States v. Wisconsin ex rel. La Follette, 450 U.S. 107 (1981)).
[22] *Id.* at 574 (quoting Tashjian v. Republican Party, 479 U.S. 208, 214–215 (1986)).
[23] *Id.* (quoting Democratic Party of United States v. Wisconsin ex rel. La Follette, 450 U.S. 107, 122 (1981)).
[24] *Id.* at 574–575 (quoting Democratic Party of United States v. Wisconsin ex rel. La Follette, 450 U.S. 107, 122, n. 22 (1981) (quoting L. Tribe, AMERICAN CONSTITUTIONAL LAW 791 (1978)).
[25] *Id.* at 575.
[26] *Id.* at 586.

C. FEC Regulations on Delegates and Delegate Committees

11 CFR Parts 100 and 110

Contributions to and Expenditures by Delegates to National Nominating Conventions

11 CFR § 100.5 Political committee (2 U.S.C. § 431 (4), (5), (6)).

* * * * * * *

(e) * * *

(5) *Delegate committee.* A delegate committee is a group of persons that receives contributions or makes expenditures for the sole purpose of influencing the selection of one or more delegates to a national nominating convention. The term "delegate committee" includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates. A delegate committee that qualifies as a political committee under 11 CFR 100.5 must register with the Commission pursuant to 11 CFR Part 102 and report its receipts and disbursements in accordance with 11 CFR Part 104. (See definition of "delegate" at 11 CFR 110.14(b)(1).)

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11 CFR § 110.1 Contributions by persons other than multicandidate political committees (2 U.S.C. § 441a(a)(1)).

* * * * * * *

(m) *Contributions to delegates and delegate committees.* (1) Contributions to delegates for the purpose of furthering their selection under 11 CFR 110.14 are not subject to the limitations of this section.

(2) Contributions to delegate committees under 11 CFR 110.14 are subject to the limitations of this section.

11 CFR § 110.2 Contributions by multicandidate political committees (2 U.S.C. § 441a(a)(2)).

* * * * * * *

(j) *Contributions to delegates and delegate committees.* (1) Contributions to delegates for the purpose of furthering their selection under 11 CFR 110.14 are not subject to the limitations of this section.

(2) Contributions to delegate committees under 11 CFR 110.14 are subject to the limitations of this section.

11 CFR § 110.14 Contributions to and expenditures by delegates and delegate committees.

(a) *Scope.* This section sets forth the prohibitions, limitations and reporting requirements under the Act applicable to all levels of a delegate selection process.

(b) Definitions—(1) *Delegate.* Delegate means an individual who becomes or seeks to become a delegate, as defined by

State law or party rule, to a national nominating convention or to a State, district, or local convention, caucus or primary that is held to select delegates to a national nominating convention.

(2) *Delegate committee.* A delegate committee is a group of persons that receives contributions or makes expenditures for the sole purpose of influencing the selection of one or more delegates to a national nominating convention. The term "delegate committee" includes a group of delegates, a group of individuals seeking selection as delegates and a group of individuals supporting delegates. A delegate committee that qualifies as a political committee under 11 CFR 100.5 must register with the Commission pursuant to 11 CFR Part 102 and report its receipts and disbursements in accordance with 11 CFR Part 104.

(c) *Funds received and expended; Prohibited funds.* (1) Funds received or disbursements made for the purpose of furthering the selection of a delegate to a national nominating convention are contributions or expenditures for the purpose of influencing a federal election, see 11 CFR 100.2 (c)(3) and (e), except that—

(i) Payments made by an individual to a State committee or subordinate State committee as a condition for ballot access as a delegate are not contributions or expenditures. Such payments are neither required to be reported under 11 CFR Part 104 nor subject to limitation under 11 CFR 110.1; and

(ii) Payments made by a State committee or subordinate State party committee for administrative expenses incurred in connection with sponsoring conventions or caucuses during which delegates to a national nominating convention are selected are not contributions or expenditures. Such payments are neither required to be reported under 11 CFR Part 104 nor subject to limitation under 11 CFR 110.1 and 110.2.

(2) All funds received or disbursements made for the purpose of furthering the selection of a delegate to a national nominating convention, including payments made under paragraphs (c)(1)(i) and (c)(1)(ii) of this section, shall be made from funds permissible under the Act. *See* 11 CFR Parts 110, 114 and 115.

(d) *Contributions to a delegate.* (1) The limitations on contributions to candidates and political committees under 11 CFR 110.1 and 110.2 do not apply to contributions made to a delegate for the purpose of furthering his or her selection; however, such contributions do count against the limitation on contributions made by an individual in a calendar year under 11 CFR 110.5.

(2) Contributions to a delegate made by the authorized committee of a presidential candidate count against the presidential candidate's expenditure limitation under 11 CFR 110.8(a).

(3) A delegate is not required to report contributions received for the purpose of furthering his or her selection.

(e) *Expenditures by delegate to advocate only his or her selection.* (1) Expenditures by a delegate that advocate only his or her selection are neither contributions to a candidate, subject to limitation under 11 CFR 110.1, nor chargeable to the

expenditure limits of any Presidential candidate under 11 CFR 110.8(a). Such expenditures may include, but are not limited to: Payments for travel and subsistence during the delegate selection process, including the national nominating convention, and payments for any communications advocating only the delegate's selection.
(2) A delegate is not required to report expenditures made to advocate only his or her selection.
(f) *Expenditures by a delegate referring to a candidate for public office*—(1) *Volunteer activities that do not use public political advertising.* (i) Expenditures by a delegate to defray the costs of certain campaign materials (such as pins, bumper stickers, handbills, brochures, posters and yard signs) that advocate his or her selection and also include information on or reference to a candidate for the office of President or any other public office are neither contributions to the candidate referred to nor subject to limitation under 11 CFR 110.1 provided that:
(A) The materials are used in connection with volunteer activities; and
(B) The expenditures are not for costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising.
(ii) Such expenditures are not chargeable to the expenditure limitation of a presidential candidate under 11 CFR 110.8(a).
(iii) A delegate is not required to report expenditures made pursuant to this paragraph.
(2) *Use of public political advertising.* A delegate may make expenditures to defray costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising to advocate his or her selection and also include information on or reference to a candidate for the office of President or any other public office.
(i) Such expenditures are independent expenditures under 11 CFR 100.16 if they are made for a communication expressly advocating the election or defeat of a clearly identified Federal candidate that is not a coordinated communication under 11 CFR 109.21.
(A) The portion of the expenditure allocable to a Federal candidate is subject to the contribution limitations of 11 CFR 110.1.
(B) A Federal candidate's authorized committee must report the portion of the expenditure allocable to the candidate as a contribution pursuant to 11 CFR Part 104.
(C) The portion of the expenditure allocable to a presidential candidate is chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8(a).
(ii) Such expenditures are independent expenditures under 11 CFR 100.16 if they are made for a communication expressly advocating the election or defeat of a clearly identified Federal candidate that is not a coordinated communication under 11 CFR 109.21.
(A) Such independent expenditures must be made in accordance with the requirements of 11 CFR Part 109.

(B) The delegate shall report the portion of the expenditure allocable to the Federal candidate as an independent expenditure in accordance with 11 CFR 109.10.
(3) *Republication of candidate materials.* Expenditures made to finance the dissemination, distribution or republication, in whole or in part, of any broadcast or materials prepared by a Federal candidate are in-kind contributions to the candidate.
(i) Such expenditures are subject to the contribution limits of 11 CFR 110.1.
(ii) The Federal candidate must report the expenditure as a contribution pursuant to 11 CFR Part 104.
(iii) Such expenditures are not chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8 unless they were coordinated communications under 11 CFR 109.21.
(4) For purposes of this paragraph, "direct mail" means any mailing(s) by commercial vendors or any mailing(s) made from lists that were not developed by the delegate.
(g) *Contributions made to and by a delegate committee.* (1) The limitations on contributions to political committees under 11 CFR 110.1 and 110.2 apply to contributions made to and by a delegate committee.
(2) Contributions to a delegate committee count against the limitation on contributions made by an individual in a calendar year under 11 CFR 110.5.
(3) A delegate committee shall report contributions it makes and receives pursuant to 11 CFR Part 104.
(h) *Expenditures by a delegate committee to advocate only the selection of one or more delegates.* (1) Expenditures by a delegate committee that advocate only the selection of one or more delegates are neither contributions to a candidate, subject to limitation under 11 CFR 110.1 nor chargeable to the expenditure limits of any Presidential candidate under 11 CFR 110.8(a). Such expenditures may include but are not limited to: Payments for travel and subsistence during the delegate selection process, including the national nominating convention, and payments for any communications advocating only the selection of one or more delegates.
(2) A delegate committee shall report expenditures made pursuant to this paragraph.
(i) *Expenditures by a delegate committee referring to a candidate for public office*—(1) *Volunteer activities that do not use public political advertising.* (i) Expenditures by a delegate committee to defray the costs of certain campaign materials (such as pins, bumper stickers, handbills, brochures, posters and yard signs) that advocate the selection of a delegate and also include information on or reference to a candidate for the office of President or any other public office are neither contributions to the candidate referred to, nor subject to limitation under 11 CFR 110.1 provided that:
(A) The materials are used in connection with volunteer activities; and
(B) The expenditures are not for costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising.

(ii) Such expenditures are not chargeable to the expenditure limitation of a presidential candidate under 11 CFR 110.8(a).
(iii) A delegate committee shall report expenditures made pursuant to this paragraph.
(2) *Use of public political advertising.* A delegate committee may make expenditures to defray costs incurred in the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising to advocate the selection of one or more delegates and also include information on or reference to a candidate for the office of President or any other public office. If such expenditures are in-kind contributions or independent expenditures under paragraphs (i) or (ii) below, the delegate committee shall allocate the portion of the expenditures relating to the delegate(s) and candidate(s) referred to in the communications between them and report the portion allocable to each.
(i) Such expenditures are in-kind contributions to a Federal candidate if they are coordinated communications under 11 CFR 109.21.
(A) The portion of the expenditure allocable to a Federal candidate is subject to the contribution limitations of 11 CFR 110.1. The delegate committee shall report the portion allocable to the Federal candidate as a contribution in-kind.
(B) The Federal candidate's authorized committee shall report the portion of the expenditure allocable to the candidate as a contribution pursuant to 11 CFR Part 104.
(C) The portion of the expenditure allocable to a presidential candidate is chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8(a).
(ii) Such expenditures are independent expenditures under 11 CFR 100.16 if they are made for a communication expressly advocating the election or defeat of a clearly identified Federal candidate that is not a coordinated communication under 11 CFR 109.21.
(A) Such independent expenditures must be made in accordance with the requirements of 11 CFR Part 100.16.
(B) The delegate committee shall report the portion of the expenditure allocable to the Federal candidate as an independent expenditure in accordance with 11 CFR 109.10.
(3) *Republication of candidate materials.* Expenditures made to finance the dissemination, distribution or republication, in whole or in part, of any broadcast or materials prepared by a Federal candidate are in-kind contributions to the candidate.
(i) Such expenditures are subject to the contribution limitations of 11 CFR 110.1. The delegate committee shall report the expenditure as a contribution in-kind.
(ii) The Federal candidate's authorized committee shall report the expenditure as a contribution pursuant to 11 CFR Part 104.
(iii) Such expenditures are not chargeable to the presidential candidate's expenditure limitation under 11 CFR 110.8 unless they were coordinated communications under 11 CFR 109.21.
(4) For purposes of this paragraph, "direct mail" means any mailing(s) by commercial vendors or any mailing(s) made

from lists that were not developed by the delegate committee or any participating delegate.

(j) *Affiliation of delegate committees with a Presidential candidate's authorized committee.* (1) For purposes of the contribution limits of 11 CFR 110.1 and 110.2, a delegate committee shall be considered to be affiliated with a Presidential candidate's authorized committee if both such committees are established, financed, maintained or controlled by the same person, such as the Presidential candidate, or the same group of persons.

(2) Factors the Commission may consider in determining whether a delegate committee is affiliated under paragraph (j)(1) of this section with a Presidential candidate's authorized committee may include, but are not limited to:

(i) Whether the Presidential candidate or any other person associated with the Presidential authorized committee played a significant role in the formation of the delegate committee;

(ii) Whether any delegate associated with a delegate committee is or has been a staff member of the Presidential authorized committee;

(iii) Whether the committees have common or overlapping officers or employees;

(iv) Whether the Presidential authorized committee provides funds or goods in a significant amount or on an ongoing basis to the delegate committee, such as through direct or indirect payments for administrative, fundraising, or other costs, but not including the transfer to a committee of its allocated share of proceeds jointly raised pursuant to 11 CFR 102.17 or 9034.8;

(v) Whether the Presidential candidate or any other person associated with the Presidential authorized committee suggested, recommended or arranged for contributions to be made to the delegate committee;

(vi) Similar patterns of contributions received by the committees;

(vii) Whether one committee provides a mailing list to the other committee;

(viii) Whether the Presidential authorized committee or any person associated with that committee provides ongoing administrative support to the other committee;

(ix) Whether the Presidential authorized committee or any person associated with that committee directs or organizes the specific campaign activities of the delegate committee; and

(x) Whether the Presidential authorized committee or any person associated with that committee files statements or reports on behalf of the delegate committee.

(k) *Affiliation between delegate committees.* Delegate committees will be considered to be affiliated with each other if they meet the criteria for affiliation set forth at 11 CFR 100.5(g).

D. Guide to the 2008 Delegate Selection Rules and the Call for the 2008 Democratic Convention*

This Guide was prepared to aid state Democratic parties with developing their Delegate Selection Plans for the 2008 Democratic National Convention. Provisions of the 2008 Delegate Selection Rules ("Rules") and the Call for the 2008 Convention ("Call") are explained in simple language.

The explanations given below, also indicate how and where state Plans should reflect the necessary language. This information should assist state parties in writing their Plans to comply with the Rules, the Call, and the DNC Rules and Bylaws Committee Regulations ("Regs.") To help illustrate exactly how a rule or regulation is reflected in a fully-written Plan, references to any corresponding rules, regulations and the Model Plan are also included below.

The interpretations of the rules as presented in this Guide are for informational purposes only and should not be used in place of the rules.

CONTENTS

2008 DELEGATE SELECTION RULES

Rule 1	Publication and Submission of State Party Rules.	184
Rule 2	Participation	185
Rule 3	Scheduling of Delegate Selection Meetings.	187
Rule 4	An Open Party	188
Rule 5	Non-Discrimination	189
Rule 6	Affirmative Action	189
Rule 7	Inclusion Programs	191
Rule 8	National Convention Delegate Apportionment.	191
Rule 9	Unpledged and Pledged Party Leaders and Elected Official Delegates.	192
Rule 10	Selection of At-Large Delegates	194
Rule 11	Timing of the Delegate Selection Process.	194
Rule 12	Presidential Preference	195
Rule 13	Fair Reflection of Presidential Preferences.	197
Rule 14	Petition Requirements and Filing Deadlines.	198
Rule 15	Quorum Requirements	199
Rule 16	Proxy Voting	200
Rule 17	Unit Rule and Slate-Making	200
Rule 18	Alternates and Vacancies	200
Rule 19	DNC Rules and Bylaws Committee.	201
Rule 20	Challenges	202
Rule 21	State Legislative Changes	205

CALL FOR THE 2008 DEMOCRATIC NATIONAL CONVENTION

Article I.	Distribution of Delegate Votes	207
Article II.	Qualifications of State Delegates	210
Article III.	Delegates to be Selected No Later Than June 21, 2008.	211
Article IV.	Certification Requirements for Delegates and Alternates.	211
Article V.	The 2008 Democratic National Convention Committee, Inc.	213
Article VI.	Presidential Candidates	214

CONTENTS—Continued

Article VII.	Standing Committees on Platform, Rules, and Credentials of the 2008 Democratic National Convention.	215
Article VIII.	Procedural Rules of the 2008 Democratic National Convention.	221
APPENDIX		
A		229
B		239
C		242
D		244

*Delegate Selection Rules adopted by the Democratic National Committee, August 19, 2006; call for the 2008 Democratic Convention adopted by the Democratic National Committee, February 2, 2007.

2008 DELEGATE SELECTION RULES

These rules were adopted by the Democratic National Committee ("DNC") on August 19, 2006. They provide certain standards that states must use as guidelines in the process of selecting delegates to the Convention. Within this framework for ensuring the process is conducted in a fair and open manner, a state party is allowed to devise its own particular system for choosing delegates and alternates.

1. Publication and Submission of State Party Rules

A. State parties shall adopt Affirmative Action and Delegate Selection Plans which contain explicit rules and procedures governing all aspects of the delegate selection process. These rules shall include, but are not limited to:

1. Procedures for electing and certifying delegates and alternates at all levels;
2. Timing of primary/caucuses/conventions;
3. Procedures providing for equal division in each state's convention delegation;
4. Procedures providing for the selection of the chair of the delegation;
5. Particulars concerning the scheduling of delegate selection meetings including methods by which each meeting or event will be publicized;
6. Affirmative Action Plans in detail including affirmative action obligations of presidential candidates;
7. All petition requirements and filing deadlines for delegate and alternate candidates and for presidential candidates;
8. Procedures for ascertaining delegate/alternate preference at all stages;
9. Procedures for presidential candidate right of approval;
10. Method of awarding delegates and alternates to presidential candidates;
11. Methods and timetable for the selection of permanent standing committee members;
12. Methods and timetable for the selection of temporary standing committee members;
13. Procedures for challenges of the delegate selection and affirmative action processes;
14. Methods and timetable for the selection of convention pages; and
15. Other appropriate provisions from these Rules, the Call and the Regulations.

B. The following items are to be routinely included at an appropriate place in each state plan:

1. Eligibility requirements for participation in the delegate selection process in conformance with Rule 2 *[Rule 2]*;
2. Prohibition of cost and fees *[Rule 2.D.]*;
3. Prohibition of participation by those participating in another party's process *[Rule 2.E.]*;
4. One-meeting limitation for first-stage participants *[Rule 3.E.]*;

5. "Six basic elements" of an open party *[Rule 4]*;
6. Non-discrimination principles *[Rule 5]*;
7. Requirement that all steps take place within calendar year of convention *[Rule 11.]*;
8. Required identification of preference of candidates for delegate and alternate *[Rule 12.A.]*;
9. Protection against coerced vote *[Rule 12.1]*;
10. Quorum requirements *[Rule 15]*;
11. Proxy voting rules, if any *[Rule 16]*;
12. Unit rule prohibition *[Rule 17.A.]*;
13. Slate making limitations *[Rule 17.B.]*; and
14. Succession of alternates to delegate status and filling of vacancies in delegate positions *[Rule 18]*.

C. Each state party shall provide for a thirty (30) day[1] period of public comment to solicit opinion on the state's Affirmative Action Plan and Delegate Selection Plan prior to adoption. All written public comments submitted to the state Democratic Committee shall be submitted along with the plans to the Rules and Bylaws Committee of the Democratic National Committee ("DNC Rules and Bylaws Committee").

D. State Delegate Selection and Affirmative Action Plans shall be submitted to the DNC Rules and Bylaws Committee for approval on or before May 1, 2007.

E. The DNC Rules and Bylaws Committee shall act on the proposed plans as soon as practicable, but in no case later than September 16, 2007, or four months before the respective state's first determining step, whichever is earlier. Its decision shall be final and binding.

F. Implementation of state Affirmative Action Plans shall begin no later than September 16, 2007, or four months before the respective state's first determining step, whichever is earlier.

G. State Delegate Selection Plans shall specify the methods and timetable to be followed in selecting permanent and temporary members of standing committees of the national convention. These procedures shall be in conformity with the rules to be contained in the Call for the 2008 Convention.

H. The Democratic National Committee ("DNC") and the state parties shall publish and make available at no cost their rules, the 2008 National Delegate Selection Rules, and a clear and concise explanation of how Democratic voters can participate in the delegate selection process. The DNC shall prepare and provide at no cost to state parties a clear and concise explanation of the 2008 Delegate Selection Rules. This shall be done no later than October 1 of the calendar year immediately preceding the calendar year of the national convention.

2. Participation

A. Participation in the delegate selection process shall be open to all voters who wish to participate as Democrats.

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[1] Unless otherwise explicitly specified, reference in these Rules to "day" or "days" means "calendar days." If the last day of a period falls on a Saturday, Sunday or a federally recognized holiday, the time shall be extended to the next business day.

1. Democratic voters shall be those persons who publicly declare their Party preference and have that preference publicly recorded.
2. Implementation of this administrative matter shall be delegated to the DNC Rules and Bylaws Committee.
B. Nothing in these rules shall be interpreted to encourage or permit states with party registration and enrollment, or states that limit participation to Democrats only, to amend their systems to open participation to members of other parties.
C. State parties shall take all feasible steps to encourage non-affiliated and new voters to register or enroll, to provide simple procedures through which they may do so and to eliminate excessively long waiting periods for voters wishing to register or to change their party enrollment status. In all caucuses or conventions conducted pursuant to these rules, all Democrats who comply with Rule 2.A, 2.A.(1), 2.A.(2). shall be allowed to participate.
D. At no stage of the delegate selection process shall any person be required, directly or indirectly, to pay a cost or fee as a condition for participating in the delegate selection process. Voluntary contributions to the Party may be made, but under no circumstances shall a contribution be mandatory for participation.
E. No person shall participate or vote in the nominating process for a Democratic presidential candidate who also participates in the nominating processes of any other party for the corresponding elections.
F. In accordance with Article Nine, Section 12 of the Charter of the Democratic Party of the United States, votes shall not be taken by secret ballot at any stage of the delegate selection process, including processes leading up to the selection of DNC Members or State Chairs and Vice Chairs, who serve as DNC members by virtue of their office, except that use of such voting by secret ballot may be used in a state run or state party run primary which constitutes the first determining stage of the delegate election process and in which all individual voters are eligible to participate in accordance with the provisions of this Rule 2.
G. The casting of ballots over the Internet may be used as a method of voting in a vote only for presidential preference in a state party-run primary constituting the first determining stage in the presidential nominating process, and only if such casting of ballots over the Internet:
1. Is used in a system in which voters may cast their ballots in person on the day of such primary and by mail, and in which casting of ballots over the Internet is an alternate means of voting;
2. Is accompanied by a comprehensive, proactive education and outreach program on the use of Internet voting that is set forth in the state's delegate selection plan and approved by the DNC Rules and Bylaws Committee;
3. Is conducted in accordance with a plan approved by the DNC Rules and Bylaws Committee that is included in the state's delegate selection plan, and that provides adequate measures to achieve security, reliability, access to eligible voters and transparency, including contractual and other

safeguards to secure exclusive ownership and control by the state party of voting data;
4. Is accomplished through a system which provides the voter with an opportunity to verify the voter's ballot and correct any error before the voter's vote is cast; which can be permanently maintained by the voter at the voter's option in paper, electronic or other form; and which produces a paper record of the voter's vote that is preserved and maintained by the state party in the event of a manual audit, until the expiration of the time for filing an implementation challenge under these Rules.
H. In states using government-run voting systems in the delegate selection process, State Delegate Selection Plans shall include provable positive steps (as defined in Rule 21) taken or to be taken by the state party to:
1. Promote the acquisition of accessible precinct based optical scan systems wherever possible;
2. Seek enactment of legislation, rules and policies at the state and local level to ensure that direct recording electronic systems include a voter verified paper record;
3. Seek enactment of legislation, rules and policies at the state and local level to ensure that both optical scan and direct recording electronic systems include recognized security measures such as:
a. Automatic routine manual audits comparing paper records to electronic records following every election and prior to certification of results where possible;
b. Parallel testing on Election Day;
c. Physical and electronic security for equipment;
d. Banning use of wireless components and connections;
e. Public disclosure of software design;
f. Use of transparent and random selection for all auditing procedures;
g. Effective procedures for addressing evidence of fraud or error.

3. Scheduling of Delegate Selection Meetings
A. All official Party meetings and events related to the national convention delegate selection process, including caucuses, conventions, committee meetings, filing dates, and Party enrollment periods, shall be scheduled for dates, times and public places which would be most likely to encourage the participation of all Democrats, and must begin and end at reasonable hours.
B. All such meetings or events which are the first meeting or event in the delegate selection process shall be scheduled at times and dates which are uniform throughout the state, except where it is established by the state party and approved by the DNC Rules and Bylaws Committee that such uniform times and dates would significantly reduce participation in the delegate selection process.
C. The times, dates, places, and rules for the conduct of all caucuses, conventions, meetings and other events involved in the delegate selection process shall be effectively publicized by the Party organization, official, candidate or member calling the same.

D. Concise statements in advance of all meetings and events concerning the relationship between the business to be conducted and the delegate selection process shall be effectively publicized by the Party organization, official, candidate or member calling the same.

E. No person shall participate in more than one meeting which is the first meeting in the delegate selection process.

4. An Open Party

A. The Democratic National Committee reaffirms its commitment to the 1964 resolution, and requires the national and state parties to incorporate the Six Basic Elements, as updated, into their Party rules and to take appropriate steps to secure their implementation.

B. The 1964 Democratic National Convention adopted a resolution which conditioned the seating of delegates at future conventions on the assurances that discrimination in any state party affairs on the ground of race, color, creed or national origin did not occur. The 1968 Convention adopted the 1964 Convention resolution for inclusion in the Call for the 1972 Convention. In 1966, the Special Equal Rights Committee, which had been created in 1964, adopted six anti-discrimination standards—designated as the Six Basic Elements, which, as updated, are as follows:

1. All public meetings at all levels of the Democratic Party in each state should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability (hereinafter collectively referred to as "status").

2. No test for membership in, nor any oaths of loyalty to, the Democratic Party in any state should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on "status."

3. The time and place for all public meetings of the Democratic Party on all levels should be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.

4. The Democratic Party, on all levels, should support the broadest possible registration without discrimination based on "status."

5. The Democratic Party in each state should publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of each state Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization.

6. The Democratic Party in each state should publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical

qualifications of all positions as officers and representatives of the state Democratic Party. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within each state Democratic Party will have full and adequate opportunity to compete for office.
C. These provisions demonstrate the intention of the Democratic Party to ensure a full opportunity for all "status" (as defined in Rule 4.B.(1)) members to participate in the delegate selection process.

5. Non-Discrimination
A. In order that the Democratic Party at all levels be an open Party which includes rather than excludes people from participation, a program of effective affirmative action is hereby adopted.
B. Discrimination on the basis of "status" in the conduct of Democratic Party affairs is prohibited.
C. In order to continue the Democratic Party's ongoing efforts to include groups historically underrepresented in the Democratic Party's affairs, by virtue of race, ethnicity, age, sexual orientation or disability, each state party shall develop and submit Party outreach programs, including recruitment, education and training, in order to achieve full participation by such groups and diversity in the delegate selection process and at all levels of Party affairs.

6. Affirmative Action
A. The promises of a democratically elected government and the right to vote have not always been extended equally to all Americans. Historically, certain groups of Americans have been explicitly denied the right to vote or have been subjected to discriminatory and exclusionary practices with the intended effect of denying them voting rights. In recognition of this past history of discriminatory denial of the franchise and in order to encourage full participation by all Democrats in the delegate selection process and in all Party affairs, the national and state Democratic Parties shall adopt and implement affirmative action programs with specific goals and timetables for African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women.
1. The goal of such affirmative action shall be to encourage participation in the delegate selection process and in Party organizations at all levels by the aforementioned groups as indicated by their presence in the Democratic electorate.
2. This goal shall not be accomplished either directly or indirectly by the Party's imposition of mandatory quotas at any level of the delegate selection process or in any other Party affairs.
3. In the selection of each state's at-large delegation, priority of consideration shall be given to African Americans, Hispanics, Native Americans, Asian/Pacific Americans and women, if such priority of consideration is needed to fulfill the affirmative action goals outlined in the state's Delegate Selection Plan. Such remedial action is necessary in order to overcome the effects of past discrimination. Use of the at-large delegation to fulfill the plan's affirmative action goals

does not obviate the need for the state party to conduct outreach activities such as recruitment, education and training. Priority of consideration shall also be given to other groups as described in Rule 5.(C), which are underrepresented in Democratic Party affairs, in order to assist in the achievement of full participation by these groups.

B. Performance under an approved Affirmative Action Plan and composition of the convention delegation shall be considered relevant evidence in the challenge to any state delegation. If a state party has adopted and implemented an approved affirmative action program, the state party shall not be subject to challenge based solely on delegation composition or primary results.

C. State Delegate Selection Plans shall provide for equal division between delegate men and delegate women and alternate men and alternate women within the state's entire convention delegation. For purposes of this rule, the entire delegation includes all pledged delegates and alternates and unpledged delegates (including unpledged party leaders and elected official delegates and unpledged add-on delegates).

1. State Delegate Selection Plans shall, as far as mathematically practicable, also provide for equal division between district-level delegate men and delegate women and district-level alternate men and alternate women.

2. The DNC Rules and Bylaws Committee shall have continuing jurisdiction to ensure compliance with this equal division requirement. No at-large delegate or alternate from a state shall be placed on the temporary roll of the 2008 Democratic National Convention unless the Rules and Bylaws Committee has certified to the Secretary of the Democratic National Committee that such state's delegation complies with this equal division rule. It shall be the duty of the DNC Rules and Bylaws Committee to determine such compliance as soon as practicable following the certification of the State's at-large delegates and alternates.

3. Notwithstanding sub-paragraph A.(2) above, equal division at any level of delegate or committee positions between delegate men and delegate women or committeemen and committeewomen shall not constitute a violation of any provision thereof.

D. For purposes of providing adequate notice of the delegate selection process under Rule 3, the times, dates, places and rules for the conduct of all caucuses, conventions, meetings and other events involved in the delegate selection process shall be effectively publicized, bilingually where necessary, to encourage the participation of minority groups.

E. State Democratic Parties shall ensure that district lines used in the delegate selection process are not gerrymandered to discriminate against African Americans, Hispanics, Native Americans, Asian/Pacific Americans or women.

F. Each state Affirmative Action Plan shall provide for the appointment of a representative state Affirmative Action Committee by March 1, 2007. Before the state party submits its Plan to the DNC Rules and Bylaws Committee, the Affirmative Action Committee shall review the proposed outreach program required in Rule 5.C.

G. Each state affirmative action program shall include outreach provisions to encourage the participation and representation of persons of low and moderate income, and a specific plan to help defray expenses of those delegates otherwise unable to participate in the national convention.

H. State parties in their Delegate Selection Plans shall impose reasonable specific affirmative action obligations upon candidates consistent with the delegate selection system employed by the state.

1. State parties shall require presidential candidates to submit statements that specify what steps such candidates will take to encourage full participation in their delegate selection process, including, but not limited to, procedures by which persons may file as candidates for delegate or alternate. Provided further that presidential candidates submit such full participation statements to the DNC Rules and Bylaws Committee at the same time they are submitted to state parties.

2. State parties shall require presidential candidates to submit demographic information with respect to candidates for delegate and alternate pledged to them.

I. Each state party shall certify to the Rules and Bylaws Committee whether each Presidential candidate (including uncommitted status) has used best efforts to ensure that their respective delegations at each level within a state's delegation shall fulfill the requirements of Rule 6 and Rule 7 established by the state's Delegate Selection Plan and that the respective delegations of each presidential candidate within the state's delegation shall be equally divided between men and women.

7. Inclusion Programs

The Democratic National Committee recognizes that other groups of Americans in addition to those described in Rule 6 may be under-represented in Party affairs. These groups include members of the LGBT community and people with disabilities. The National and State Parties shall adopt and implement Inclusion Programs in order to achieve the full participation of members of these and other groups in the delegate selection process and in all party affairs, as indicated by their presence in the Democratic electorate. As is already the practice in some states, State Parties may use goals to achieve these ends; however, in no event may such participation be accomplished by the use of quotas.

8. National Convention Delegate Apportionment

A. Apportionment of district-level delegates within states shall be based on one of the following:

1. A formula giving equal weight to total population and to the average of the vote for the Democratic candidates in the two most recent presidential elections;

2. A formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections;

3. A formula giving equal weight to the average of the vote for the Democratic candidates in the two most recent presi-

dential elections and to Democratic Party registration or enrollment as of January 1, 2008; or
4. A formula giving one-third (⅓) weight to each of the formulas in items (1), (2), and (3).
B. Apportionment for each body selecting delegates to state, district, and county conventions shall be based upon population and/or some measure of Democratic strength.
C. The Call for the 2008 Convention shall state the base delegation for each delegation. Seventy-five percent (75%) of each state's base delegation shall be elected at the congressional district level or smaller. Twenty-five percent (25%) of each state's base delegation shall be elected at large. Delegates so elected shall hereafter be termed "district-level" and "at-large" delegates, respectively. Each State Democratic Chair shall certify all delegates in writing to the Secretary of the DNC.
D. In those states with more than one congressional district, after the election of district-level delegates and prior to the selection of at-large delegates, each State Democratic Chair shall certify pledged party leader and elected official delegates equal to 15% of the state's base delegation selected pursuant to Rule 9.
E. The election of district-level and at-large delegates and alternates may take place at the same meeting, provided that district-level delegates are selected first. In states with one congressional district the election of delegates selected in accordance with Rules 8.B., 8.C., and 9.A., may be conducted simultaneously. In all cases, affirmative action and fair reflection guidelines must be met and the Democratic Chair of each such state shall make the certifications required by subsection 8.D.

9. Unpledged and Pledged Party Leaders and Elected Official Delegates
A. The procedure to be used for certifying unpledged party leader and elected official delegates is as follows:
Not later than March 1, 2008, the Secretary of the Democratic National Committee shall officially confirm to each State Democratic Chair the names of the following unpledged delegates who legally reside in their respective state and who shall be recognized as part of their state's delegation unless any such member has publicly expressed support for the election of, or has endorsed, a presidential candidate of another political party:
1. The individuals recognized as members of the DNC (as set forth in Article Three, Sections 2 and 3 of the Charter of the Democratic Party of the United States); and,
2. The Democratic President and the Democratic Vice President of the United States, if applicable; and,
3. All Democratic members of the United States House of Representatives and all Democratic members of the United States Senate; and,
4. The Democratic Governor, if applicable; and,
5. All former Democratic Presidents, all former Democratic Vice Presidents, all former Democratic Leaders of the U.S. Senate, all former Democratic Speakers of the U.S. House of Representatives and Democratic Minority Leaders, as appli-

cable, and all former Chairs of the Democratic National Committee.
B. Following the selection of district-level delegates, and prior to the selection of pledged party leader and elected official delegates, unpledged add-on delegates shall be selected according to the following procedures:
1. Unpledged add-on delegates may be selected by either the same selecting body which will select the state's party leader and elected official delegates, or by the same selecting body which will select the state's at-large delegates and alternates.
2. The equal division and affirmative action provisions of Rule 10.A. apply to the selection of unpledged add-on delegates.
3. The list from which the selecting body chooses the unpledged add-on delegates shall contain the same minimum number of names for every such add-on position to be filled as the minimum number of names required by the state's delegate selection plan to remain on the list of bona fide supporters for each at-large and pledged party leader and elected official delegate pursuant to Rule 12.E.(2).
4. Unpledged add-on delegates are not entitled to alternates, and neither shall the delegation be entitled to a replacement, except in the case of death.
5. Unpledged add-on delegates may be selected whether or not they previously filed a statement of candidacy for a delegate position or submitted a pledge of support for a presidential candidate.
C. Following the selection of unpledged add-on delegates under 9.B., pledged party leader and elected official delegates are to be selected subject to the following procedures:
1. Persons shall be considered for pledged party leader and elected official delegates and alternates according to the following priority: big city mayors and state-wide elected officials to be given equal consideration; state legislative leaders, state legislators, and other state, county and local elected officials and party leaders.
2. These slots shall be allocated on the same basis as the state's at-large delegates.
3. If persons eligible for pledged party leader and elected official delegate positions have not made known their presidential preference under the procedures established by the state pursuant to Rule 12 for candidates for district-level and at-large delegate positions, their preferences shall be ascertained through alternative procedures established by the state party, which shall require a signed pledge of support for a presidential candidate. Such an alternative system shall have a final deadline for submitting a pledge of support after the selection of all district-level delegates has been completed and must provide an opportunity for disapproval by the presidential candidate or the candidate's authorized representative.
D. A state's party leader and elected official delegates may be chosen by a state convention or by a committee consisting of a quorum of district-level delegates. They may also be chosen by the State Party Committee, as recognized by the Democratic National Committee, but only if the state's Dele-

gate Selection Plan is in full compliance with these rules, and provided:
1. Membership on the State Party Committee is apportioned on the basis of population and/or some measure of Democratic strength;
2. Members of the State Party Committee have been elected through open processes in conformity with the basic procedural guarantees utilized for delegate selection;
3. Such delegates are elected at a public meeting subsequent to the election of district-level delegates;
4. Members of the State Party Committee exercising such authority shall have been elected no earlier than the date of the previous presidential election; and
5. Membership of the State Party Committee complies with the equal division requirements of Article 9, Section 16 of the Charter of the Democratic Party of the United States.
E. Except as provided in 9.A. above, no person shall serve as an automatic delegate at any level of the delegate selection process by virtue of holding a public or party office.

10. Selection of At-Large Delegates
A. The selection of at-large delegates shall be used, if necessary, to achieve the equal division of positions between men and women and the representation goals established in the state party's Affirmative Action Plan. Such goals apply to the state's entire delegation considered as a whole. For purposes of this rule, the entire delegation includes all unpledged as well as all pledged delegates. Delegates and alternates shall each, as a group, be equally divided and, to the extent possible, each as a group shall reflect the representation goals established in the state's Affirmative Action Plan.
B. A state's at-large delegates and alternates shall be selected by one of the bodies, subject to the same conditions specified in Rule 9.D. above, provided, however, the State Party Committee may choose such delegates and alternates only if the state's Delegate Selection Plan is in full compliance with these rules.
C. At-large delegates and alternates (including pledged party leader and elected official delegates, which shall include those to be allocated to uncommitted status) in primary states shall be allocated according to the state-wide primary vote or, in states holding no state-wide primary, according to the division of preferences among convention and caucus participants. In non-primary states which do not hold state conventions authorized to elect delegates, at-large delegates shall be apportioned according to the division of preferences among district-level delegates at the time of district-level selection. If a presidential candidate entitled to an allocation under this rule is no longer a candidate at the time at-large delegates are selected, his/her allocation shall be proportionately divided among the other preferences entitled to an allocation.

11. Timing of the Delegate Selection Process
A. No meetings, caucuses, conventions or primaries which constitute the first determining stage in the presidential

nomination process (the date of the primary in primary states, and the date of the first tier caucus in caucus states) may be held prior to the first Tuesday in February or after the second Tuesday in June in the calendar year of the national convention. Provided, however, that the Iowa precinct caucuses may be held no earlier than 22 days before the first Tuesday in February; that the Nevada first-tier caucuses may be held no earlier than 17 days before the first Tuesday in February; that the New Hampshire primary may be held no earlier than 14 days before the first Tuesday in February; and that the South Carolina primary may be held no earlier than 7 days before the first Tuesday in February. In no instance may a state which scheduled delegate selection procedures on or between the first Tuesday in February and the second Tuesday in June 1984 move out of compliance with the provisions of this rule.

B. All steps in the delegate selection process, including the filing of presidential candidates, must take place within the calendar year of the Democratic National Convention (except as otherwise provided in these rules or specifically allowed by the DNC Rules and Bylaws Committee).

12. Presidential Preference

A. All candidates for delegate and alternate in caucuses, conventions, committees and on primary ballots shall be identified as to presidential preference or uncommitted status at all levels of a process which determines presidential preference.

B. All persons wishing to be elected to a district-level or at-large delegate position must file a statement of candidacy designating the presidential or uncommitted preference of the delegate candidate and a signed pledge of support for the presidential candidate (including uncommitted status) the person favors, if any, with the state party by a date certain as specified in the state's Delegate Selection Plan. Persons wishing to be elected as pledged party leader and elected official delegates shall comply with Rule 9.C.(3).

C. All candidates considered for district-level alternate positions must meet the same requirements as candidates for district-level delegate positions, except that the state may allow candidates who were not chosen at the delegate level to be considered at the alternate level.

D. Prior to the selection of national convention delegates and alternates, the state party shall convey to the presidential candidate, or that candidate's authorized representative(s), a list of all persons who have filed for delegate or alternate positions pledged to that presidential candidate. All such delegate and alternate candidates shall be considered bona fide supporters of the presidential candidate whom they have pledged to support, unless the presidential candidate, or that candidate's authorized representative(s), signifies otherwise in writing to the state party by a date certain as specified in the state's Delegate Selection Plan.

1. Presidential candidates shall certify in writing to the Democratic State Chair the name(s) of their authorized representative(s) by a date certain.

2. In states where delegates are voted upon on the ballot, the date by which the presidential candidate, or that candidate's authorized representative(s), signifies approval or disapproval of the list of delegate and alternate candidates in writing to the state party as required by Rule 12.D., must allow sufficient time to ensure that names removed from the list do not appear on the ballot.

E. National convention delegate and alternate candidates removed from the list of bona fide supporters by a presidential candidate, or that candidate's authorized representative(s), may not be elected as a delegate or alternate at that level pledged to that presidential candidate (including uncommitted status).

1. Presidential candidates may not remove any candidate for a district-level delegate or alternate position from the list of bona fide supporters unless, at a minimum, three (3) names remain for every such position to which the presidential candidate is entitled. Provided, however, that in states where individual district-level delegates and alternates are voted upon on the ballot, the presidential candidate, or that candidate's authorized representative(s), may approve a number of delegate candidates or alternate candidates equal to or greater than the number of delegates or alternates allocated to the district.

2. Presidential candidates (including uncommitted status), in consultation with the state party, may remove any candidate for at-large and pledged party leader and elected official delegate or alternate position from the list of bona fide supporters as long as, at a minimum, one (1) name remains for every national convention delegate or alternate position to which the presidential candidate is entitled, except that a state may provide in its delegate selection plan, if the plan is approved by the Rules and Bylaws Committee, that presidential candidates (including uncommitted status), may remove any candidate for an at-large and party leader and elected official delegate or alternate position from the list of bona fide supporters as long as, at a minimum, two (2) names remain for every position to which the presidential candidate is entitled.

F. State parties shall ensure that state Delegate Selection Plans provide fair and adequate time for persons to file for delegate or alternate positions, and for presidential candidates, or their authorized representative(s), to review the list of persons who have filed, and to remove from that list persons not confirmed by the presidential candidate or his/her representative(s) as bona fide supporters of the presidential candidate.

G. Except in states where individual delegates and alternates are selected on the ballot, district-level national convention delegates and alternates pledged to a presidential candidate (including uncommitted status) shall be selected or nominated by a caucus of persons from the unit electing the delegates and alternates who sign statements of support for that presidential candidate. Uncommitted delegates and alternates shall be elected by the uncommitted caucus from the appropriate unit.

H. A district-level delegate and alternate candidate may run for election only within the district in which he or she is registered to vote. For purposes of these rules, all delegates and alternates at any level of the delegate selection process must be bona fide Democrats who have the interests, welfare and success of the Democratic Party of the United States at heart, who subscribe to the substance, intent and principles of the Charter and the Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith.

I. No delegate at any level of the delegate selection process shall be mandated by law or Party rule to vote contrary to that person's presidential choice as expressed at the time the delegate is elected.

J. Delegates elected to the national convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.

K.

1. Based on the right of the Democratic Party to freely assemble and to determine the criteria for its candidates, it is determined that all candidates for the Democratic nomination for President or Vice President shall:

a. be registered to vote, and shall have been registered to vote in the last election for the office of President and Vice President; and

b. have demonstrated a commitment to the goals and objectives of the Democratic Party as determined by the National Chair and will participate in the Convention in good faith.

2. It is further determined that these requirements are in addition to the requirements set forth by the United States Constitution and any law of the United States.

13. Fair Reflection of Presidential Preferences

A. Delegates shall be allocated in a fashion that fairly reflects the expressed presidential preference or uncommitted status of the primary voters or, if there is no binding primary, the convention and/or caucus participants.

B. States shall allocate district-level delegates and alternates in proportion to the percentage of the primary or caucus vote won in that district by each preference, except that preferences falling below a fifteen percent (15%) threshold shall not be awarded any delegates. Subject to section F. of this rule, no state shall have a threshold above or below fifteen percent (15%). States which use a caucus/convention system, shall specify in their Delegate Selection Plans the caucus level at which such percentages shall be determined.

C. A presidential candidate or his/her authorized representative(s) should act in good faith to slate delegate and alternate candidates, however, in any event, if a presidential candidate (including uncommitted status) has qualified to receive delegates and alternates but has failed to slate a sufficient number of delegate and alternate candidates, then additional delegates and alternates for that preference will be selected in a special post-primary procedure. The State Party will administer special post-primary procedures according to rules approved by the DNC Rules and Bylaws Committee

and such procedures should be set forth in the state's delegate selection plan, where applicable.
D. District-level delegates and alternates shall be allocated according to the following procedures:
Step 1: Tabulate the percentage of the vote that each presidential preference (including uncommitted status) receives in the congressional district to three decimals.
Step 2: Retabulate the percentage of the vote to three decimals, received by each presidential preference excluding the votes of presidential preferences whose percentage in Step 1 falls below 15%.
Step 3: Multiply the number of delegates to be allocated by the percentage received by each presidential preference.
Step 4: Delegates shall be allocated to each presidential preference based on the whole numbers which result from the multiplication in Step 3.
Step 5: Remaining delegates, if any, shall be awarded in order of the highest fractional remainders in Step 3.
E. At-large and pledged party leader and elected official delegate and alternate positions shall be allocated to presidential preferences by reference to primary or convention votes or to the division of preference among district-level delegates or alternates, as the case may be, as specified in Rule 10.C., except that a preference falling below a threshold of fifteen percent (15%) shall not be awarded any delegates or alternates at this level. Such delegates and alternates in primary states shall be allocated to presidential preference (including uncommitted status) according to the statewide primary vote.
F. In all situations where no preference reaches the applicable threshold, the threshold shall be the percentage of the vote received at each level of the delegate selection process by the front-runner minus 10 percent.
G. Under no circumstances shall the use of single-delegate districts be permitted.
H. For the purpose of fairly reflecting the division of preferences, the non-binding advisory presidential preference portion of primaries shall not be considered a step in the delegate selection process and is considered detrimental. State parties must take steps to educate the public that non-binding presidential preference event is meaningless, and state parties and presidential candidates should take all steps possible not to participate.
1. In a state that uses a caucus and/or convention to determine presidential preference of voters, the plan must provide for the timely reporting of the election results to the state party.

14. Petition Requirements and Filing Deadlines
A. If a state requires the filing of petitions with the signatures of registered/enrolled voters as the sole method to place a presidential candidate's name on the primary ballot in connection with the Democratic presidential nominating process, such number of valid signatures shall not exceed 5,000.
B. If a state requires the payment of a fee by a presidential candidate in connection with the Democratic presidential nominating process, such fee shall not exceed $2,500.

C. If a state requires the filing of a petition with the signatures of registered/enrolled voters in order to have a delegate/alternate candidate gain access to the primary ballot in connection with the Democratic presidential nominating process, the number of valid signatures shall not exceed either one half of one percent (.5%) of the registered/enrolled Democrats in such district or one half of one percent (.5%) of the total votes in such district for all Democratic presidential candidates (including uncommitted) during the immediately preceding presidential nominating process, whichever is lower, but in no event shall the number of valid signatures required exceed 500.

D. Subject to the prior sections of this rule, the number of valid signatures required of a presidential candidate to file a petition to gain access to the primary ballot, and the number of valid signatures required of a delegate/alternate candidate to gain access to the primary ballot, and the fees required to be paid to the state by a presidential candidate and by a delegate/alternate candidate to gain access to the primary ballot, in connection with the Democratic presidential nominating process, shall not exceed those in effect in the particular state as of January 1, 1994.

E. No deadline for the filing of petitions for participation in the presidential nomination process by a presidential candidate shall be less than 30 days in advance of the primary or caucus nor more than 75 days in advance of the primary or caucus.

F. No candidate for delegate or alternate shall be required to file a statement of candidacy or a pledge of support as required by Rule 12.B. prior to 30 days before such delegate or alternate candidate is to be selected or elected in a primary, caucus or pre-primary caucus; provided, however, that in states holding a presidential primary where individual district-level delegates or alternates are to be voted upon on the ballot, no candidate for delegate or alternate shall be required to submit or file a statement of candidacy or a pledge of support prior to 90 days before the date on which they are to be voted upon.

G. No candidate for at-large or pledged party leader and elected official delegate or alternate shall be required to file a statement of candidacy or a pledge of support required by Rule 12.B. prior to 30 days before the date when the delegate or alternate is to be selected or voted upon.

H. No state's delegate selection rules may require the filing of district-level delegate or alternate candidates pledged to a presidential candidate or uncommitted status as a condition of access by a presidential candidate to the primary ballot for voting upon presidential preference.

15. Quorum Requirements

No less than forty percent (40%) of the members of any Party body above the first level of the delegate selection process shall constitute a quorum for any business pertaining to the selection of convention delegates.

16. Proxy Voting

To insure full participation in the delegate selection process, state party rules may, at their discretion, provide for proxy voting. Such rules shall allow an accredited participant in a caucus, convention or committee meeting, after having appeared at such meeting and having established credentials, to register the non-transferable proxy with another duly accredited participant at that meeting (except where an accredited alternate is present and eligible to serve as a replacement). No such rule shall allow a person to hold more than three (3) proxies at a time.

17. Unit Rule and Slate-Making

A. The unit rule, or any rule or practice whereby all members of a Party unit or delegation may be required to cast their votes in accordance with the will of a majority of the body, shall not be used at any stage of the delegate selection process.

B. Any individual or group of Democrats may sponsor or endorse a slate of candidates for convention delegates. But no slate may, by virtue of such endorsement, receive a preferential place on a delegate selection ballot or be publicly identified on the ballot as the official Democratic Party organization slate, and all slates must meet identical qualifying requirements for appearing on a ballot at all levels of the delegate selection process.

18. Alternates and Vacancies

A. Alternate delegates shall be selected by primary, convention or committee processes subject to the same National Party Rules applicable to the selection of delegates, except that the provisions of Rules 9.A. and 9.B. shall not apply to the election of alternates. Each State Democratic Chair shall certify all alternates in writing to the Secretary of the DNC.

B. If a given presidential preference is entitled to one or more delegate positions in a state but would not otherwise be entitled to an alternate position, that preference shall be allotted one at-large alternate position.

C. The proportions of alternates elected at the district level, and at-large, and as pledged party leader and elected official alternates, may be the same as the proportions of delegates elected in those categories.

D. Each state Delegate Selection Plan shall specifically provide how and under what conditions an alternate is to replace or act in lieu of (collectively referred to as "replace" or "replaces") a delegate.

1. Delegate Selection Plans may specify one or any combination of the following alternatives for permanent and temporary replacements:

a. The delegate chooses the alternate;

b. The delegation chooses the alternate;

c. The alternate who receives the highest number of votes; or

d. Such other process as protects the interests of presidential candidates, delegates and alternates.

2. A permanent replacement occurs when a delegate resigns or dies prior to and during the National Convention and the

alternate replaces the delegate for the remainder of the National Convention. Any alternate who permanently replaces a delegate shall be certified in writing to the Secretary of the DNC by the State Democratic Chair. He/She shall be of the same presidential preference (including uncommitted status) and sex of the delegate he/she replaces, and to the extent possible shall be from the same political subdivision within the state as the delegate; except in the case where the presidential candidate has only one alternate, in which case, that alternate shall become the certified delegate.

3. A temporary replacement occurs when a delegate is to be absent for a limited period of time during the convention and an alternate temporarily acts in the delegate's place. Any alternate who temporarily replaces a delegate must be of the same presidential preference (including uncommitted status) as the delegate he/she replaces, and to the extent possible shall be of the same sex and from the same political subdivision within the state as the delegate.

E. Delegates elected under the provisions of Rules 9.A. and 9.B. shall not be entitled to name a replacement under Rule 18.D. nor shall the state be entitled to a replacement except in case of death.

F. A vacant alternate position shall be filled by the delegation. The replacement shall be of the same presidential preference (or uncommitted status), of the same sex and, to the extent possible, from the same political subdivision as the alternate being replaced. Each replacement of a vacant alternate position shall be certified in writing to the Secretary of the DNC by the State Democratic Chair.

19. DNC Rules and Bylaws Committee

A. The DNC Rules and Bylaws Committee will assist in the administration and enforce affirmative action and delegate selection requirements for the national and state Democratic Parties.

B. The DNC Rules and Bylaws Committee shall implement the Delegate Selection Rules in a manner consistent with these rules.

C. The DNC Rules and Bylaws Committee will provide state parties with a model Delegate Selection and Affirmative Action Plan.

D. The DNC Rules and Bylaws Committee shall:

1. review Affirmative Action and Delegate Selection Plans submitted by state parties and approve or recommend changes in such plans;

2. conduct periodic evaluations and provide technical assistance to state parties on affirmative action and delegate selection implementation;

3. hear and recommend solutions to affirmative action complaints unresolved by appropriate state party bodies.

E. The DNC Rules and Bylaws Committee shall retain jurisdiction over the approval of amendments to state Delegate Selection Plans and state delegation compliance with equal division requirements, even after the Convention Credentials Committee assumes jurisdiction over challenges to the credentials of delegates.

F. No later than December 15, 2006, the DNC Rules and Bylaws Committee shall send to state parties its regulations adopted pursuant to these rules and a checklist.
G. The DNC shall allocate sufficient financial resources and staff to implement this rule.

20. Challenges
A. Jurisdictional Challenges. Any challenges to a state party organization in respect to its status as the body entitled to sponsor a delegation from that state must be presented to the DNC at any time up to thirty (30) days prior to the initiation of the state's delegate selection process. Such a challenge must be brought by at least fifteen (15) Democrats from the state.
B. Submission, Non-Implementation and Violation Challenges. Failure to submit or implement an approved affirmative action program by the deadline specified in these rules shall constitute grounds for a challenge with the burden of proof on the challenged party.
1. At any time up to thirty (30) days prior to the initiation of the state's delegate selection process, any group of not less than fifteen (15) Democrats in that state can challenge the affirmative action program on the basis of non-implementation of a specific requirement of a state plan, which challenge shall include reasonable documentation of alleged violations. (In such challenges, the challenging party shall have the burden of proof, but the challenged party shall present its case first.)
a. In the absence of any such challenge, the implementation of any such program shall be presumptively in compliance.
b. If challenged and upheld, the compliance of such implementation programs shall be conclusive but not as to compliance or non-compliance that may occur after the date of the challenge.
2. Challenges regarding alleged violation of an approved Delegate Selection Plan shall first be brought to the appropriate state Democratic Party body for a decision to be rendered within twenty-one (21) days. After due notice, any aggrieved party shall have the right to appeal to the DNC Rules and Bylaws Committee within ten (10) days following the decision of the state body according to procedures established by the DNC Rules and Bylaws Committee.
3. The DNC Rules and Bylaws Committee shall either certify compliance, certify non-compliance or require corrective action after which compliance or non-compliance shall be certified.
C. 1 a. Violation of timing: In the event the Delegate Selection Plan of a state party provides or permits a meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nominating process to be held prior to or after the dates for the state as provided in Rule 11 of these rules, or in the event a state holds such a meeting, caucus, convention or primary prior to or after such dates, the number of pledged delegates elected in each category allocated to the state pursuant to the Call for the National Convention shall be reduced by fifty percent (50%), and the number of alternates shall also be reduced by fifty

percent (50%). In addition, none of the members of the Democratic National Committee and no other unpledged delegate allocated pursuant to Rule 8.A. from that state shall be permitted to vote as members of the state's delegation. In determining the actual number of delegates or alternates by which the state's delegation is to be reduced, any fraction below .5 shall be rounded down to the nearest whole number, and any fraction of .5 or greater shall be rounded up to the next nearest whole number.

b. A presidential candidate who campaigns in a state where the state party is in violation of the timing provisions of these rules, or where a primary or caucus is set by a state's government on a date that violates the timing provisions of these rules, may not receive pledged delegates or delegate votes from that state. Candidates may, however, campaign in such a state after the primary or caucus that violates these rules. "Campaigning" for purposes of this section includes, but is not limited to, purchasing print, internet, or electronic advertising that reaches a significant percentage of the voters in the aforementioned state; hiring campaign workers; opening an office; making public appearances; holding news conferences; coordinating volunteer activities; sending mail, other than fundraising requests that are also sent to potential donors in other states; using paid or volunteer phoners or automated calls to contact voters; sending emails or establishing a website specific to that state; holding events to which Democratic voters are invited; attending events sponsored by state or local Democratic organizations; or paying for campaign materials to be used in such a state. The Rules and Bylaws Committee will determine whether candidate activities are covered by this section.

2. Violation of proportional representation: In the event the Delegate Selection Plan of a state party provides or permits the pledged delegates or alternates to be allocated to a presidential preference (including uncommitted status) other than as provided under Rule 13 of these rules, or in the event a state party, in fact, allocates its pledged delegates or alternates to a presidential preference (including uncommitted status) other than as provided under Rule 13 of these rules, the delegation of the state shall be reduced by the same amount and as provided in section C.(1) of this rule.

3. Violation of the threshold: In the event the Delegate Selection Plan of a state party provides or permits a threshold other than fifteen percent (15%) as set forth in Rule 13 of these rules, or in the event a state party in fact permits the implementation of a threshold other than fifteen percent (15%) as provided in Rule 13 of these rules, the delegation of the state shall be reduced by the same amount and as provided in section C.(1) of this rule.

4. Upon a determination of the DNC Rules and Bylaws Committee that a state is in violation as set forth in subsections (1), (2) or (3) of section C. of this rule, the reductions required under those subsections shall become effective automatically and immediately and without further action of the DNC Rules and Bylaws Committee, the Executive Committee of the DNC, the DNC or the Credentials Committee of the Democratic National Convention.

5. Nothing in the preceding subsections of this rule shall be construed to prevent the DNC Rules and Bylaws Committee from imposing additional sanctions, including, without limitation, those specified in subsection (6) of this section C., against a state party and against the delegation from the state which is subject to the provisions of any of subsections (1) through (3) of this section C., including, without limitation, establishing a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances.

6. Nothing in these rules shall prevent the DNC Rules and Bylaws Committee from imposing sanctions the Committee deems appropriate with respect to a state which the Committee determines has failed or refused to comply with these rules, where the failure or refusal of the state party is not subject to subsections (1), (2) or (3) of this section C. Possible sanctions include, but are not limited to: reduction of the state's delegation; pursuant to Rule 21.C., recommending the establishment of a committee to propose and implement a process which will result in the selection of a delegation from the affected state which shall (i) be broadly representative, (ii) reflect the state's division of presidential preference and uncommitted status and (iii) involve as broad participation as is practicable under the circumstances; reducing, in part or in whole, the number of the state's temporary and permanent members to the Standing Committees; reducing, in part or in whole, the number of guests, VIP and other passes/tickets to the National Convention and related functions; assignment of location of the state's delegates and alternates in the Convention hall; and assignment of the state's housing and other convention related facilities.

7. In the event a state shall become subject to subsections (1), (2) or (3) of section C. of this rule as a result of state law but the DNC Rules and Bylaws Committee, after an investigation, including hearings if necessary, determines the state party and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith to achieve legislative changes to bring the state law into compliance with the pertinent provisions of these rules and determines that the state party and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith in attempting to prevent legislative changes which resulted in state law that fails to comply with the pertinent provisions of these rules, the DNC Rules and Bylaws Committee may determine that all or a portion of the state's delegation shall not be reduced. The state party shall have the burden of proving by clear and convincing evidence that it and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good faith to achieve legislative changes to bring the state law into compliance with the pertinent provisions of these rules and that it and the other relevant Democratic party leaders and elected officials took all provable, positive steps and acted in good

faith in attempting to prevent the legislative changes which resulted in state law that fails to comply with the pertinent provisions of these rules.
8. A state party may provide in its Delegate Selection Plan the specific method and procedures by which it will reduce its delegation pursuant to this Rule 20 in the event the state party or delegation becomes subject to this Rule 20 by which categories of delegates must be reduced by fifty percent (50%), which specific methods and procedures shall be subject to the review and approval of the DNC Rules and Bylaws Committee. In the event a state's Delegate Selection Plan does not provide for the specific method and procedures referred to in the immediately preceding sentence, or in the event the state's Delegate Selection Plan is either not approved by the DNC Rules and Bylaws Committee or the specific method and procedures referred to in the first sentence of this subsection (8) are not approved by the DNC Rules and Bylaws Committee, or in the event a state's Delegate Selection Plan specifies the method and procedures which have been approved by the DNC Rules and Bylaws Committee, but the state party fails or refuses to implement those specific methods and procedures, and in the event the state's delegation is required to be reduced pursuant to this Rule 20, then the DNC Rules and Bylaws Committee shall, by lottery, or other appropriate method determined by the DNC Rules and Bylaws Committee, determine which delegates and alternates shall not be a part of the state's delegation in order to achieve the reduction of the state's delegation pursuant to this Rule 20. Any reduction of delegates under this provision shall be accomplished in a manner which complies with the requirement of proportional representation as provided for in Rule 13.
9. Except as provided by subsection (7) of this section C., the fact that a state party took provable, positive steps as provided in Rule 21 of these rules shall not preclude the state's delegation from being subject to the sanctions set forth in subsections (1), (2), (3), (4) and (5) of this section C.
D. Unresolved Challenges and Report to the Credentials Committee. The DNC Rules and Bylaws Committee shall report its activities, together with all challenges and complaints, to the Credentials Committee of the Democratic National Convention. In cases involving unresolved challenges which are appealed to the Credentials Committee, the burden of proof shall rest with the party presenting the challenge.

21. State Legislative Changes
A. Subject to Rule 18.C. of these Rules, wherever any part of any section contained in these rules conflicts with existing state laws, the state party shall take provable positive steps to achieve legislative changes to bring the state law into compliance with the provisions of these rules.
B. Provable positive steps shall be taken in a timely fashion and shall include: the drafting of corrective legislation; public endorsement by the state party of such legislation; efforts to educate the public on the need for such legislation; active support for the legislation by the state party lobbying state

legislators, other public officials, Party officials and Party members; and encouraging consideration of the legislation by the appropriate legislative committees and bodies.

C. A state party may be required by a vote of the DNC Executive Committee upon a recommendation of the DNC Rules and Bylaws Committee to adopt and implement an alternative Party-run delegate selection system which does not conflict with these rules, regardless of any provable positive steps the state may have taken.

CALL

For the 2008 Democratic National Convention

Adopted by the Democratic National Committee February 2, 2007.

TABLE OF CONTENTS

ARTICLES

I.	Distribution of Delegate Votes	207
II.	Qualifications of State Delegates	210
III.	Delegate Selection Deadline	211
IV.	Certification Requirements	211
V.	The 2008 Democratic National Convention Committee, Inc.	213
VI.	Presidential Candidates	214
VII.	Standing Committees on Platform, Rules, and Credentials of the 2008 Democratic National Convention.	215
VIII.	Procedural Rules of the 2008 Democratic National Convention.	221
Appendix A.	Relationship Between the 2008 Rules of Procedure of the Credentials Committee and the 2008 Delegate Selection Rules.	229
	Rules of Procedure of the Credentials Committee of the 2008 Democratic National Convention.	230
Appendix B.	Delegate/Alternate Allocation	239
Appendix C.	Allocation of Convention Pages	242
Appendix D.	Allocation of Standing Committee Members.	244

To Whom It May Concern:

By authority of the Democratic National Committee, the National Convention of the Democratic Party is hereby scheduled to convene on August 25, 2008, in Denver, Colorado, at an hour to be announced, to select nominees for the offices of President and Vice President of the United States of America, to adopt and promulgate a platform and to take such other actions with respect to such other matters as the Convention may deem advisable.

Article I. Distribution of Delegate Votes

The distribution of votes, delegates and alternates to the 2008 Democratic National Convention shall be in accordance with the following:

A. The number of Convention votes for delegates to the Convention shall be as set forth in the compilation included in this resolution and determined as provided in paragraphs B, C, D, E, F, G, H[1], and I.

B. A base of 3,000 delegate votes is distributed among the 50 states and the District of Columbia according to a formula giving equal weight to the sum of the vote for the Democratic candidates in the three (3) most recent presidential elections and to population by electoral vote. The formula is expressed mathematically as follows:

[1] See **Appendix B** for the allocation of delegates and alternates.

$$A = \frac{1}{2}\left(\frac{SDV\ 1996 + SDV\ 2000 + SDV\ 2004}{TDV\ 1996 + TDV\ 2000 + TDV\ 2004} + \frac{SEV}{538}\right)$$

A = Allocation Factor
SDV = State Democratic Vote
SEV = State Electoral Vote
TDV = Total Democratic Vote

To determine the base delegation for each state and the District of Columbia, the allocation factors as determined by the above formula are multiplied by 3,000. Fractions of .5 and above are rounded up to the next highest integer.

C. 1. For purposes of this paragraph C, the period of time in which the first determining stage of the presidential nomination process takes place during 2008 shall be divided into Stages as follows:

Stage I: The earliest date specified in Rule 11 of the Delegate Selection Rules through March 31, 2008, inclusive.

Stage II: April 1 through April 30, 2008, inclusive.

Stage III: May 1 through June 10, 2008, inclusive.

2. A percentage of the base delegate votes determined pursuant to paragraphs B and E shall be added to the number of base pledged delegates otherwise determined pursuant to those paragraphs, for the purpose of increasing the size of the base pledged delegation, as follows:

a. for any state in which the meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nomination process in that state for a date in 2008 occurs in a Stage (as defined in (1) above) that is higher in number than the Stage corresponding to the period in which the corresponding event occurred in 2004, the percentage referred to in the preceding sentence shall be determined by the Stage corresponding to the period in which the state's meeting, convention, caucus or primary constituting the first determining stage in the presidential nominating process occurs in 2008, as follows:

Stage II: 15 percent

Stage III: 30 percent

b. for any state (other than a state described in subsection C(2)(a)) in which the meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nomination process in that state occurs in 2008 on a date in Stage II, the percentage shall be 5 percent; and in which the meeting, caucus, convention or primary which constitutes the first determining stage in the presidential nomination process in that state occurs in 2008 on a date in Stage III, the percentage shall be 10 percent.

D. Fifteen percent (15%) of the base delegate votes determined pursuant to paragraphs B and E shall be added to the number of votes allocated for the purpose of representing pledged Party and Elected Official delegates. For purposes of this paragraph, the number of base delegate votes determined pursuant to paragraph B shall be the number determined thereunder after rounding. Fractions of .5 and above resulting from the multiplication required by this paragraph are rounded up to the next highest integer.

E. American Samoa, Guam and the Virgin Islands will each receive three (3) at-large delegate votes. Democrats Abroad

will receive six (6) at-large and one (1) pledged Party and Elected Official delegate votes. Puerto Rico will receive forty-four (44) base delegate votes.

F. Unpledged votes shall be allocated to each delegation to accommodate the members of the Democratic National Committee from that state or territory in which they legally reside. The size of such a member's vote (i.e., whole or fractional) shall be the same size as that which he or she is allowed to cast at meetings of the Democratic National Committee. Additional unpledged delegates shall be allocated for other officers serving in three (3) positions created by the Democratic National Committee in accordance with Article 3, Section 1.e. of the Charter of the Democratic Party of the United States.

G. Unpledged votes shall be allocated to provide for the Democratic President, the Democratic Vice President, and all former Democratic Presidents, all former Democratic Vice Presidents, all former Democratic Leaders of the United States Senate, all former Democratic Speakers of the United States House of Representatives and Democratic Minority Leaders, as applicable, and all former Chairpersons of the Democratic National Committee.[2] Such delegates shall be seated with the state delegations from the state in which they have their voting residences.

H. Additional unpledged votes shall be added if needed to provide for the Democratic Governor[3] (if any) from that state or territory and for the Democratic Members of the United States House of Representatives and Democratic United States Senators from that state or territory (if any).[4]

I. In addition to the delegates allocated to the delegations pursuant to paragraphs B, C, D, E, F, G, and H each state, territory or commonwealth shall select a number of unpledged add-on delegates equivalent to one (1) such delegate for every four (4) votes on the Democratic National Committee from that state, territory or commonwealth, pursuant to Rule 9.B. of the Delegate Selection Rules. Fractions of .5 and above are rounded up to the next highest integer. Notwithstanding the above calculation, the District of Columbia shall be allocated two (2) unpledged add-on delegates.[5]

J. Each state, the District of Columbia and Puerto Rico may select a number of alternates equivalent to one (1) alternate for every six (6) Convention votes received by it pursuant to paragraphs B, C, D, and E, provided, however, that each such delegation shall have at least four (4) alternates. American Samoa, Democrats Abroad, Guam and the Virgin Islands shall each have one (1) alternate. Fractions of .5 and above are rounded up to the next highest integer. It is further provided that each state shall have the number of addi-

[2] Former Chairpersons of the Democratic National Committee shall include National Chairs and General Chairs.

[3] The Mayor of the District of Columbia, if a Democrat, shall be treated as a Democratic Governor.

[4] The District of Columbia's Statehood Senators, if Democrats, shall be treated as Democratic United States Senators.

[5] The District of Columbia shall select its Statehood Representative, if a Democrat, as one of its two (2) unpledged add-on delegates.

tional at-large alternates necessary to provide at least one alternate for each presidential candidate who is entitled to delegates from that state, if the DNC Rules and Bylaws Committee determines that the number of alternates allocated to the state is not sufficient for each presidential candidate to have at least one alternate.
K. Members of the Democratic National Committee and delegates selected pursuant to paragraphs G, H and I will be ineligible to serve as delegates under any other category and may hold no more than one (1) vote. Democratic Governors, Democratic Members of the United States House of Representatives and Democratic United States Senators who are members of the Democratic National Committee shall serve as delegates by virtue of their membership on the National Committee.

Article II. Qualifications of State Delegates
A. Notice is hereby given that delegates, alternates and standing committee members to the Democratic National Convention shall be elected in accordance with the Charter and Bylaws of the Democratic Party of the United States, the Delegate Selection Rules for the 2008 Democratic National Convention, the Call for the 2008 Democratic National Convention, and the Regulations of the DNC Rules and Bylaws Committee. The DNC Rules and Bylaws Committee shall have the final authority to regulate the delegate selection process, subject to the authority of the Convention Credentials Committee and the Democratic National Convention. It shall be the duty of the DNC Rules and Bylaws Committee to administer the delegate selection process and ensure compliance with the rules, including equal division, and report to the Secretary of the Democratic National Committee those states which are in non-compliance. Only delegates and alternates selected under a delegate selection procedure approved by the DNC Rules and Bylaws Committee and in accordance with the rules shall be placed on the Temporary Roll of the 2008 Democratic National Convention. Only standing committee members and convention pages chosen pursuant to a state delegate selection plan found in compliance with the rules by the DNC Rules and Bylaws Committee shall be qualified to serve in their respective capacities.
B. It is understood that a State Democratic Party, in electing and certifying delegates and alternates to the Democratic National Convention, thereby undertakes to assure all Democratic voters in the state full, timely and equal opportunity to participate in the delegate selection process and in all Party affairs and to implement affirmative action programs toward that end, and that the delegates and alternates to the Convention shall be selected in accordance with the Delegate Selection Rules for the 2008 Democratic National Convention adopted by the Democratic National Committee on August 19, 2006. Furthermore, voters in the state will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention, and for electors pledged formally and in good conscience to the election of these Presidential and Vice

Presidential nominees, under the label and designation of the Democratic Party of the United States, and that the delegates it certified will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention.
C. It is presumed that the delegates to the Democratic National Convention, when certified pursuant to the Call, are bona fide Democrats who are faithful to the interests, welfare and success of the Democratic Party of the United States, who subscribe to the substance, intent and principles of the Charter and the Bylaws of the Democratic Party of the United States, and who will participate in the Convention in good faith. Therefore, no additional assurances shall be required of delegates to the Democratic National Convention in the absence of a credentials contest or challenge.

Article III. Delegate Selection Deadline
All state parties are required to take all steps necessary and appropriate to complete the process of selecting delegates to the 2008 Democratic National Convention no later than June 21, 2008.

Article IV. Certification Requirements
A. Pledged Delegates and Alternates: Each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the election of his or her state's delegates and alternates to the Democratic National Convention within three (3) days after their election. For the purposes of this Call, the Chair of a committee constituted pursuant to Rule 20.C. of the Delegate Selection Rules, shall be recognized to act in place of the state's Democratic Chair.
B. Unpledged Delegates:
1. Pursuant to Rule 9.A. of the Delegate Selection Rules, official confirmation by the Secretary of the Democratic National Committee to each State Democratic Chair shall constitute verification of the following unpledged delegates: members of the Democratic National Committee; the Democratic President, Vice President and Democratic Governor, if applicable; all Democratic members of the United States House of Representatives and all Democratic members of the United States Senate; and all former Democratic Presidents, Vice Presidents, Democratic Leaders of the United States Senate, Speakers and Democratic Minority Leaders of the United States House of Representatives, and Chairs of the Democratic National Committee.
2. Each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee the selection of the state's unpledged add-on delegates to the Democratic National Convention selected pursuant to Article I.H. within three (3) days after their selection.
C. Replacements:
1. Pledged Delegates and Alternates: Replacement of a delegate (due to resignation or death) by an alternate and replacement of a vacant alternate position shall be certified in writing by the State's Democratic Chair to the Secretary of the Democratic National Committee (pursuant to Rule 18 of the Delegate Selection Rules) within three (3) days after the

replacement is selected. Certification of replacements will be accepted by the Secretary up to 48 hours before the first official session of the Convention is scheduled to convene.
2. Unpledged Delegates:
a. Members of Congress and Democratic Governors shall not be entitled to name a replacement. In the event of any changes or vacancies in a state's Democratic congressional delegation following the official confirmation and prior to the commencement of the National Convention, the Secretary shall recognize only such changes as have been officially recognized by the Democratic Caucus of the United States House of Representatives or the Democratic Conference of the United States Senate. In the event of a change or vacancy in a state's office of Governor following the official confirmation and prior to the commencement of the National Convention, the Secretary shall recognize only such changes as have been officially recognized by the Democratic Governors' Association.
b. Members of the Democratic National Committee and unpledged add-on delegates selected pursuant to Article I.H. shall not be entitled to a replacement, nor shall the state be entitled to a replacement, except in the case of death of such delegates. In cases where a state's DNC membership changes following the Secretary's official confirmation, but prior to the commencement of the 2008 Democratic National Convention, acknowledgment by the Secretary of the certification of the new DNC member shall constitute verification of the corresponding change of unpledged delegates.
c. Delegates allocated pursuant to Articles I.F. and I.H. of this Call shall not be entitled to name a replacement, nor shall the state be entitled to a replacement.
D. Delegation Chair: Each delegation shall select one (1) person to serve as Delegation Chair. The State Chair shall certify the Delegation Chair. Such certification shall be in writing to the Secretary of the Democratic National Committee within three (3) days after the position is filled, which shall be no later than the date by which the state certifies its standing committee members.
E. Convention Pages:
1. A base of 150 Convention Pages shall be allocated among the 56 delegations as follows:[6]
a. Each of the 50 States, the District of Columbia and Puerto Rico shall have a minimum of two (2) pages.
b. One (1) additional page will be allocated to a state for every fifty (50) additional delegate votes. Fractions of .5 and above are rounded up to the next highest integer.
c. American Samoa, Democrats Abroad, Guam and the Virgin Islands shall each be allocated one (1) page.
2. The National Chairperson of the Democratic National Committee may select not more than twenty-five (25) pages to assist him/her and the Democratic National Convention Committee in carrying out the work of the Convention.
3. The State Chair shall certify the person(s) to serve as the Delegation's Convention Page(s), as allocated to the delegation by this section. Such certification shall be in writing to

[6] See Appendix C for the allocation of Convention Pages.

the Secretary of the Democratic National Committee and shall be made no later than the time the state certifies its standing committee members pursuant to Article VIII.B.3. of this Call. The National Chairperson of the Democratic National Committee shall certify the person(s) to serve as the Chair's Convention Page(s), as allocated to the National Chairperson by this section. Such certification shall be in writing to the Secretary of the Democratic National Committee and shall be made within three (3) days after these positions are filled, but in any event, no later than June 21, 2008.
F. Certification Requirements: Each certification required herein will include full name, address and other information as required by the Secretary of the Democratic National Committee.

Article V. The 2008 Democratic National Convention Committee, Inc.
A. The Democratic National Committee, acting under its authority to plan, arrange, manage and conduct the Democratic National Convention, hereby ratifies the establishment and organization of the 2008 Democratic National Convention Committee, Inc. (the "DNCC") for the 2008 Democratic National Convention.
B. The DNCC shall exercise the authority of the Democratic National Committee and the Democratic National Convention in entering into contracts relating to all business and financial matters connected with the conduct of the 2008 Democratic National Convention.
C. The DNCC shall make every effort to exercise its authority in accordance with the following guidelines, subject to Rule 20.C. of the Delegate Selection Rules:
1. Contractors: The DNCC shall as a policy seek to engage the services of unionized firms, including those owned by minorities, women and people with disabilities.
2. Housing: The DNCC shall design and implement a fair and equitable system by which hotel facilities shall be allocated to eligible state delegations and to presidential candidates.
3. Delegate and Alternate Seating in Convention Hall: The DNCC shall design and implement a fair and equitable system by which the location of each eligible state delegation's seating in the Convention Hall shall be determined. Alternates shall be afforded preferential seating, as close to delegate seating as arrangements will permit. Members of Democratic National Convention Standing Committees who are not already delegates or alternates shall be afforded guest seating for each session of the Convention proceedings.
4. Delegates' and Alternates' Credentials: The state's delegate and alternate credentials shall be distributed to the Chair of the state delegation from the DNCC's credentials office.
5. Floor Access: Floor access shall be given to delegates, alternates replacing delegates, the highest ranking Democratic official in each state that does not have a Democratic Governor, each State Democratic Party's Executive Director, such number of representatives of the presidential can-

didates as may be deemed necessary by the DNCC, and such press personnel and other personnel as may be determined by the DNCC to be necessary for the proper functioning of the Convention and which does not compromise security and safety requirements.
6. Visitor's Seating: Seats for members-elect of the Democratic National Committee as certified by the state's Democratic Chair, guests and other observers shall be allocated for and shall be fairly apportioned to the states according to each state's relative delegate strength. The Delegation Chair and the State Democratic Chair shall each be given one half of the credentials for guest seats apportioned to the state pursuant to this paragraph. Presidential preference shall be taken into account in the distribution of guest credentials.
7. Communications:
a. Microphones: Each state shall be provided one (1) floor microphone which shall be located at the position of the Chair of the state delegation. Each delegate shall have access to the microphone.
b. Telephones: Adequate provisions shall be made for communication between the floor and the Chair of the Convention so as to advise the Chair of the identity of any delegate seeking recognition to speak and the purpose for which recognition is sought. One (1) such telephone shall be installed for each state delegation.
c. General: No communication equipment other than that authorized by these guidelines or by the DNCC shall be permitted on the floor of the Convention.
8. Facilities for Presidential Candidates: The National Chairperson of the Democratic National Committee, in consultation with the Chief Executive Officer of the DNCC and representatives of the presidential candidates, shall design and implement a fair and equitable system whereby facilities in the Convention Hall and its immediate environs shall be fairly apportioned to presidential campaigns so as not to afford an undue advantage to any presidential candidate. The cost of such facilities shall be paid by the presidential campaigns.
9. Facilities for News Media and Press Seating: There shall be made available adequate facilities, as close to the Convention floor as conditions permit, for the pencil press, radio, internet, and television, including a limited number of camera positions commanding a full view of the proceedings. The cost of such facilities shall not be borne by the DNCC.
10. Security: Coordination for security within the Convention Hall, premises and surrounding area shall be under the authority of the DNCC.
11. Financial Reports: The DNCC shall file with the Federal Election Commission ("FEC") all financial reports required by the Federal Election Campaign Act of 1971, as amended, and applicable FEC regulations.

Article VI. Presidential Candidates
The term "presidential candidate" herein shall mean any person who, as determined by the National Chairperson of the Democratic National Committee, has accrued delegates in the nominating process and plans to seek the nomination,

has established substantial support for his or her nomination as the Democratic candidate for the Office of the President of the United States, is a bona fide Democrat whose record of public service, accomplishment, public writings and/or public statements affirmatively demonstrates that he or she is faithful to the interests, welfare and success of the Democratic Party of the United States, and will participate in the Convention in good faith.

Article VII. Standing Committees on Platform, Rules, and Credentials of the 2008 Democratic National Convention

The Democratic National Committee, acting under its authority to issue the Call and establish the standing committees of the National Convention, hereby creates and organizes the Standing Committees on Platform, Rules, and Credentials of the 2008 Democratic National Convention. The jurisdiction and rules of procedure of each standing committee are set forth in this Call to the 2008 Democratic National Convention. Each standing committee may, by a majority of the members voting, adopt additional rules of procedure for the conduct of its business not inconsistent with this Call. The Democratic National Committee shall publish and make available all relevant requirements and deadlines for submitting proposals for consideration by the standing committees. Such information shall be distributed to the standing committee members and made available to the public as early as practicable before the committees meet.

A. Membership: Subject to Rule 20.C. of the Delegate Selection Rules, each standing committee shall be composed of:

1. Base: A base of 161 members, casting 158 votes, allocated to the states and territories in accordance with the same distribution formula used to allocate delegates to the Democratic National Convention.[7]

2. PLEOs: 25 members, each casting one (1) vote who shall be Party Leaders and Elected Officials.

3. Delegate Status: Members of the standing committees need not be delegates or alternates to the Democratic National Convention.

4. Quorum: A majority of the total votes allocated to a standing committee shall constitute a quorum thereof for the purpose of transacting business. Such votes shall be present and represented by the standing committee members. Upon a point of order of no quorum, the Chair shall ascertain the presence or absence of a quorum by visual estimation and shall not proceed until a quorum is present, provided, however, that a roll call shall be had to determine whether a quorum exists if the Chair is in doubt or upon demand of any member of the standing committee supported by:

a. twenty percent (20%) of the members of the committee as evidenced by a petition submitted to the Chair indicating support of the demand by not less than twenty percent (20%) of the members present, or

b. by the rising in support of the demand by not less than twenty percent (20%) of the members present, except that a

[7] See Appendix D for the allocation of standing committee members.

motion to adjourn or to recess may be offered and voted upon without a quorum present.
5. Proxies: As the standing committees are deliberative bodies of the National Convention, proxy voting by standing committee members shall not be permitted.
6. Subcommittees: Any subcommittee of the standing committees of the National Convention shall be composed only of members of standing committees, except that these subcommittees may be chaired by persons other than members of the committee.
B. Election:
1. The members of the standing committees allocated to the states and territories shall be elected by each state's National Convention delegates present at a meeting of which adequate notice of time and place shall be given and at which a quorum of the states's delegates shall be present. Such meeting shall be held in accordance with procedures approved by the DNC Rules and Bylaws Committee and consistent with this Call. Such meeting shall take place within 14 days after the final selection of a state's delegation, but no such meeting shall be held after June 21, 2008.
2. The members of the standing committees allocated as Party Leaders and Elected Officials shall be elected by the Executive Committee of the Democratic National Committee during the calendar year of the National Convention upon nomination received from the National Chairperson of the Democratic National Committee, after consultation with the State Chairs from those states from which members are contemplated to be nominated. Said members must be elected at a meeting of the Executive Committee or by mail ballot no later than 30 days prior to the date of the standing committee meeting.
3. Each state's Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee his or her state's standing committee members within three (3) days after their selection. The National Chairperson of the Democratic National Committee shall certify in writing to the Secretary of the Democratic National Committee the Party Leader and Elected Official standing committee members within three (3) days after their election. Certification of each person will include full name, address and other information as required by the Secretary of the Democratic National Committee.
4. No substitutions will be permitted in the case of standing committee members, except in the case of resignation or death. Substitutions must be made in accordance with the election procedures specified in Article VII.B., C., D. and E., and must be certified in writing to the Secretary of the Democratic National Committee, in accordance with procedures specified in Article VII.B.3. Substitutions of standing committee members are encouraged to be made up to forty-eight (48) hours prior to the time the standing committee meets, except in the case of death.
5. Any challenge to the credentials of a standing committee member shall be considered and resolved by the affected standing committee in accordance with Appendix A of this Call. The DNC Rules and Bylaws Committee shall have ju-

risdiction over challenges brought before the 56th day preceding the date of commencement of the Democratic National Convention.
C. Presidential Preference:
1. The members of the standing committees allocated to the states and territories shall proportionately represent the presidential preference of all candidates (including uncommitted status) receiving the threshold percentage used in that state's delegation to calculate the at-large apportionment pursuant to Rule 13.E. of the Delegate Selection Rules, provided, however, that members of the standing committees from primary states shall be allocated to presidential candidates (including uncommitted status) based on the statewide popular vote.
2. The presidential preference percentage of each candidate receiving the applicable percentage or more within the delegation shall be multiplied by the total number of standing committee positions allocated to that state or territorial delegation. If the result of such multiplication does not equal 0.455 or above, the presidential preference in question is not entitled to representation on the standing committee. If the result of such multiplication is 0.455 but less than 1.455, the presidential preference in question is entitled to one (1) position. Those preferences securing more than 1.455 but less than 2.455 are entitled to two (2) positions, etc.
3. Where the application of this formula results in the total allocation exceeding the total number of committee positions, the presidential candidate whose original figure of representation is farthest from its eventual rounded-off total shall be denied that one (1) additional position. Where the application of this formula results in the total allocation falling short of the total number of committee positions, the presidential candidate whose original figure of representation is closest to the next rounding level shall be allotted an additional committee position.
4. Standing committee positions allocated to a presidential candidate shall be proportionately allocated, to the extent practicable, to each of the three standing committees. When such allocation results in an unequal distribution of standing committee positions by candidate preference, a drawing shall be conducted to distribute the additional positions.
D. Presidential Candidate Right of Approval:
1. Each presidential candidate or that candidate's representative authorized pursuant to Rule 12.D.1. of the 2008 Delegate Selection Rules shall be given adequate notice of the meeting of the state's delegation authorized to select standing committee members.
2. The delegation shall select the standing committee members submitted by the presidential candidates (including uncommitted status), and presidential candidates shall not be required to submit the name of more than one person for each slot awarded to such candidate for members of standing committees. Provided further, that presidential candidates (including uncommitted status) shall use their best efforts to ensure that the name or names of standing committee members submitted help achieve the affirmative action goals established by the state's Delegate Selection Plan.

E. Division Between Men and Women:

1. The membership of each of the standing committees from a state or territory shall be as equally divided among men and women as possible under the state allocation; if the number is even, the membership shall be equally divided between men and women; if the number is odd, the variance between men and women may not exceed one (1), and the advantaged gender must not remain constant for the three standing committees. The DNC Rules and Bylaws Committee shall have continuing jurisdiction to ensure compliance with this equal division requirement. No standing committee members from a state shall be officially recognized unless the Rules and Bylaws Committee has certified to the Secretary of the Democratic National Committee that such state's standing committee delegation complies with this equal division rule. It is the duty of the DNC Rules and Bylaws Committee to determine such compliance as soon as practicable following the certification of the state's standing committee members.

2. The Party Leader and Elected Official membership of the standing committees elected by the Executive Committee of the Democratic National Committee shall be divided among men and women so that the variance between men and women does not exceed one (1), and the advantaged gender must not remain constant for the three standing committees.

F. Chairs of Standing Committees:

1. The Chair of each Standing Committee shall be elected by the Executive Committee of the Democratic National Committee upon nomination of the National Chairperson of the Democratic National Committee. Co-Chairs and Vice Chairs may also be elected in this manner.

2. Individuals who are not otherwise members of the standing committees who are elected Chair, Co-Chair or Vice Chair thereof shall not have any voting privileges on the standing committees, except that the Chair may vote in the case of a tie.

3. The Chair of each standing committee shall call and preside over each committee meeting, prepare an agenda to provide for orderly conduct of the committee's business, and supervise preparation of such research studies and briefing materials as are required to accomplish the committee's work.

G. Temporary Standing Committee Members:

1. In the event that a standing committee meeting is held prior to the election of a state's standing committee members, a state may select temporary members for those standing committee member positions.

2. The selection must take place at an open well publicized meeting of the State Party's governing body. The procedures for selection must be approved by the DNC Rules and Bylaws Committee.

3. Members selected as temporary standing committee members under this provision serve only in the event that a standing committee is called to meet prior to completion of the state's delegate selection process. No such member may continue to serve after the permanent standing committee members are selected unless he or she is elected as a perma-

nent member pursuant to the provisions in Section B of this Article.
4. Substitutions in a state's list of temporary standing committee members may only be made up to 10 days prior to the time the standing committee meets.
H. Platform Committee:
1. The Platform Committee shall be responsible for drafting and recommending the Platform of the Democratic Party to the Democratic National Convention.
2. The Chair of the Platform Committee, in consultation with the National Chairperson of the Democratic National Committee, shall determine the number, place and time for conducting hearing(s) and/or forum(s) and name the presiding panel, who need not be members of the Platform Committee, for each hearing and/or forum. Any person may submit a written statement concerning the Platform to the Platform Committee at any time prior to the Platform Committee meeting, and may request permission to testify at a public hearing and/or forum.
3. No later than thirty (30) days before the first meeting of the Platform Committee, written notice of the date, time, place, and the tentative agenda of such meeting shall be sent to all members of the Platform Committee. A special or emergency meeting of the Platform Committee may be held upon call of the Chair of the Platform Committee with reasonable notice to the members.
4. Prior to the first meeting of the Platform Committee, the National Chairperson of the Democratic National Committee shall distribute to the members of the Platform Committee a document outlining the issues to be considered by the committee.
5. The National Chairperson of the Democratic National Committee, in consultation with the Chair of the Platform Committee, shall appoint fifteen (15) persons to serve on a Platform Drafting Subcommittee and the National Chairperson of the Democratic National Committee shall appoint the Chair thereof. In addition, one (1) non-voting member may be appointed by each presidential candidate to serve on the Drafting Subcommittee. The Platform Drafting Subcommittee is considered a subcommittee of the Platform Committee as defined in Article I.A.6 provided, however, that members of the Platform Drafting Subcommittee need not be members of the Platform Committee. The Drafting Subcommittee shall be responsible for the drafting of the report of the Platform Committee under the direction and with the approval of the full Platform Committee.
6. Upon the request of members representing twenty percent (20%) of the total votes of the Platform Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the committee's report. The committee staff shall assist in the preparation of such report.
7. The report of the Platform Committee and any minority reports shall be distributed to all delegates and alternates, and to the public as soon as practicable after their adoption.
I. Rules Committee:

1. The Rules Committee shall issue a report to the Democratic National Convention recommending the Permanent Rules of the Convention, the Convention agenda, the permanent officers of the Democratic National Convention, amendments to the Charter of the Democratic Party of the United States, and resolutions providing for the consideration of any other matter not provided for in the Permanent Rules of the Convention and not contained in the reports of other standing committees. The foregoing notwithstanding, no amendment to the Charter of the Democratic Party shall be effective unless and until it is subsequently ratified by a vote of the majority of the entire membership of the Democratic National Committee.

2. No later than thirty (30) days before the first meeting of the Rules Committee, written notice of the date, time, place, and the tentative agenda of such meeting shall be sent to all members of the Rules Committee. A special or emergency meeting of the Rules Committee may be held upon call of the Chair of the Rules Committee with reasonable notice to the members.

3. Upon the request of members representing twenty percent (20%) of the total votes of the Rules Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the committee's report. The committee staff shall assist in the preparation of such report.

4. The report of the Rules Committee and any minority reports shall be distributed to all delegates, alternates, and to the public as soon as practicable after their adoption.

J. Credentials Committee and Procedures for Challenging Delegates or State Delegations:

1. The Credentials Committee shall determine and resolve questions concerning the seating of delegates and alternates to the Convention pursuant to the resolution entitled the "Relationship Between the 2008 Rules of Procedure of the Credentials Committee and the 2008 Delegate Selection Rules," which includes the "Rules of Procedure of the Credentials Committee of the 2008 Democratic National Convention" hereby approved and adopted by the Democratic National Committee, and set forth in full in the Appendix to this Call. The committee shall report to the Convention for final determination and resolution of all such questions. This committee does not have authority over the allocation and distribution of convention credentials, including passes for delegates, alternates, guests or press.

2. Challenges to the seating of any delegate or alternate shall be in accordance with the Rules of Procedure of the Credentials Committee. Any challenge to the seating of a delegate or alternate that is not made in conformity with these rules shall be deemed waived.

3. Upon the request of members representing twenty percent (20%) of the total votes of the Credentials Committee, a minority report shall be prepared for distribution to the Convention delegates and alternates as part of the committee's report; provided, however, that no member elected to the committee by a state delegation may join in such request as to a proposed minority report relating to a credentials chal-

lenge to any delegate or alternate from his or her state. The committee staff shall assist in the preparation of such report.
4. The report of the Credentials Committee and any minority reports shall be distributed to all delegates, alternates, and the public as soon as practicable after their adoption.

Article VIII. Procedural Rules of the 2008 Democratic National Convention

The following Procedural Rules shall serve as the Temporary Rules of Procedure for the 2008 Democratic National Convention and are recommended to the Rules Committee and to the Convention as the Permanent Rules of Procedure for the conduct of the 2008 Democratic National Convention.

A. Temporary Chair:

1. The National Chairperson of the Democratic National Committee shall call the Convention to order and shall preside until the Permanent Chair of the Convention shall be chosen in accordance with these rules.

2. The National Chairperson of the Democratic National Committee shall appoint a Temporary Secretary and such other temporary officers as may be required to assist in the conduct of the business of the Convention. These officers shall be composed equally of men and women.

B. Temporary Roll:

1. The Secretary of the Democratic National Committee shall determine a Temporary Roll of delegates to the Convention which shall consist only of those persons selected and certified as delegates in accordance with the Rules and pursuant to this Call, unless a credentials contest shall have arisen with respect to any such person(s), in which case the Secretary shall include on the Temporary Roll the name of the credentials contestant recommended for inclusion by the Credentials Committee in its report.

2. Persons whose names are included on the Temporary Roll of delegates shall be permitted to vote on all matters before the Convention until after the adoption of the report of the Credentials Committee; provided that no person shall be permitted to vote on his or her credentials contest.

C. Order of Business: The order of business for the Democratic National Convention shall be as provided in these rules and in any special order of business adopted under Section D. of these rules. The Chair of the Convention may, at appropriate times, interrupt the order of business provided for in these rules for introductions, announcements, addresses, presentations, resolutions of tribute and appreciation, or remarks appropriate to the business of the Convention.

1. Report of the Committee on Credentials: The Report of the Credentials Committee shall be acted upon before the consideration of other business.

a. The Temporary Chair shall recognize the Chair of the Credentials Committee for up to thirty (30) minutes to present the committee's report unless a longer period of time shall be provided in a special order of business agreed upon by the Convention. The Chair of the committee may present committee amendments, yield part of his or her time to others and may yield for the presentation and disposition of minority reports without losing the right to the floor.

b. The Temporary Chair shall arrange for the orderly presentation of amendments and of minority reports offered at the direction of the committee. Twenty (20) minutes shall be allowed for the presentation of each committee amendment or minority report unless a longer period for any committee amendment or minority report is provided in special orders of business agreed to by the Convention. Time shall be allotted equally to proponents and opponents of each committee amendment or minority report. The questions shall be put on each committee amendment or minority report immediately following its presentation without intervening motion.
c. Upon conclusion of the consideration and disposition of committee amendments and minority reports, the Temporary Chair shall put the question on the adoption of the report of the Credentials Committee with amendments previously adopted, if any, without intervening motion. A favorable majority vote of the Convention delegates eligible to vote shall constitute adoption of the report.
d. In the event that the committee's report shall not be adopted when the question is put, the committee shall immediately reconvene to reconsider its report and shall present a new report to the Convention as soon as possible.
2. Report of Rules Committee: The Temporary Chair may then recognize the Chair of the Rules Committee to present the committee's report for the Rules of the Convention and minority reports, if any, in the same manner as that provided for the presentation of the Report of the Credentials Committee. However, the Temporary Chair may, in the interest of conducting an orderly proceeding, opt to place before the Convention the election of the Permanent Chair, the Co-Chairs and the Secretary, prior to the presentation of the Rules Committee report.
3. Convention Chair: The Convention shall proceed to elect the Permanent Convention Chair in the following manner:
a. In accordance with the requirements of the 1984 Democratic National Convention Resolution which calls for alternating the Convention Chair by gender, the Permanent Chair of the 2008 Democratic National Convention shall be a female.
b. The Chair of the Rules Committee shall be recognized to offer a nomination for Convention Chair as recommended by the Committee on Rules. Nominations from the floor shall then be received.
c. When there are no further nominations or upon adoption of a motion to close nominations, the Temporary Chair of the Convention shall conduct a vote for Permanent Convention Chair.
d. A majority vote of the delegates present and voting shall be required to elect the Convention Chair. Balloting shall continue until a Chair is elected. The Permanent Chair shall then take the gavel.
4. Convention Co-Chairs: The Convention shall proceed to elect Co-Chairs and a Secretary in the same manner in which it elected the Chair. The Co-Chairs shall be divided equally between men and women.
5. Committee on Platform: The Permanent Chair shall recognize the Chair of the Platform Committee to present the

committee's report and minority reports, if any, in the same manner as that provided for the presentations of the reports of the Credentials and Rules Committees.
6. Nomination of the Democratic Candidate for President: The Permanent Chair shall receive nominations from the floor for the Democratic candidate for the Office of President of the United States in the following manner:
a. Requests to nominate a presidential candidate shall be in writing and shall have affixed thereto the written approval of the proposed nominee and the name of the individuals who shall be recognized to make the nominating and seconding speeches on behalf of a presidential candidate and shall be delivered to the Convention Secretary at a location as specified by the Secretary no later than 6:00 p.m. of the day preceding the day designated for the commencement of presidential nominations.
b. Each such request must be accompanied by a petition indicating support for the proposed nominee signed by delegates representing not less than 300 or more than 600 delegate votes, not more than 50 of which may come from one (1) delegation. A delegate may not sign more than one (1) nominating petition for president and for vice president.
c. The order for nominating presidential candidates shall be determined by the National Chairperson of the Democratic National Committee, the Permanent Chair of the Convention and each presidential candidate, or his or her authorized representative, who qualifies to be nominated pursuant to this section.
d. Each presidential candidate shall be allowed a total of twenty (20) minutes for the presentation of his or her name in nomination by nominating and seconding speeches, the time to run without interruption from the recognition of the nominator.
e. Delegates and alternates shall maintain order during and following nominations for the Office of President and demonstrations shall not be permitted.
7. Roll Call for Presidential Candidate:
a. After nominations for presidential candidates have closed, the Convention shall proceed to a roll call vote by states on the selection of the presidential candidate. The roll call voting shall follow the alphabetical order of the states with the District of Columbia and Puerto Rico and the territories treated as states for the purpose of the alphabetical roll call.
b. A majority vote of the Convention's delegates shall be required to nominate the presidential candidate.
c. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Any vote cast other than a vote for a presidential candidate meeting the requirements of Article VI of this Call and Rule 12.K. of the 2008 Delegate Selection Rules shall be considered a vote for "Present."
d. Balloting will continue until a nominee is selected. The nominee shall become the candidate of the Democratic Party of the United States for the Office of President upon the conclusion of his or her acceptance speech.
8. Acceptance Speech by Presidential Candidate: Immediately after the selection of the Democratic nominee for

President, the Permanent Chair shall invite the nominee to deliver an acceptance speech to the Convention.
9. Nomination for the Democratic Candidate for Vice President: The selection of a nominee for the Office of Vice President of the United States shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States except that a request to nominate must be delivered to the Convention Secretary at a location as specified by the Secretary not later than 9:00 a.m. of the day designated for the commencement of Vice Presidential nominations.
10. Roll Call Ballot for Vice Presidential Candidate:
a. After nominations for Vice Presidential candidates have closed, the Convention shall proceed to a roll call vote by states on the selection of the Vice Presidential candidate. The roll call voting procedure shall be conducted in the same manner as that heretofore provided for the selection of the nominee for President of the United States.
b. A majority vote of the Convention's delegates shall be required to select the Vice Presidential candidate. Delegates may vote for the candidate of their choice whether or not the name of such candidate was placed in nomination. Balloting will continue until after a nominee is selected.
11. Acceptance Speech by Vice Presidential Candidate: Immediately after the selection of the Democratic nominee for Vice President, the Permanent Chair shall invite the nominee to deliver an acceptance speech to the Convention. The nominee shall become the candidate of the Democratic Party of the United States for the office of Vice President upon completion of his or her acceptance speech to the Convention.
D. Special Orders of Business: It shall be in order at any time for the Rules Committee at the request of the Chair of the Convention, or pursuant to its rules, to report a resolution providing a special order of business for debate of any resolution, motion, committee report or minority report or for the consideration of any matter.
E. Powers and Duties of the Chair:
1. It shall be the responsibility of the Chair to conduct and expedite the business of the Convention and to preserve order and decorum in its proceedings.
2. The Chair is authorized to appoint such Convention officers as may be required to assist in the conduct of the business of the Convention, such officers to be composed equally of men and women; to appoint any delegate temporarily to perform the duties of the Chair; and to take such lawful action as may be necessary and appropriate to preserve order throughout the Convention Hall; and to take any other actions consistent with the Charter and the Bylaws of the Democratic Party of the United States and this Call.
F. Voting:
1. Secret Ballot: No secret ballots shall be permitted at any stage of the Convention or its committee proceedings.
2. Proxy Voting: Neither delegate nor alternate delegate votes may be cast by proxy.
3. Roll Call Votes:
a. Voting shall be by voice vote or, when prescribed by these rules, by roll call vote. The roll call voting shall follow the

order as specified in Article VIII.C.7.a. A roll call vote shall also be had if the Chair is in doubt or upon demand of any delegate supported by twenty percent (20%) of the Convention's delegates as evidenced by one of the following methods:
(1) A petition submitted to the Chair indicating support of the demand by delegations which comprise not less than twenty percent (20%) of the Convention's delegates. In the case of the petition in support of a demand for a roll call vote, a delegation shall be taken to support the demand if a majority of its delegates have signed a petition to do so.
(2) By the rising in support of the demand by not less than twenty percent (20%) of the delegates present.
b. When a roll call vote is ordered, the roll call shall be called by states, and the Chair of each delegation or his or her designee shall report the vote of his or her delegation and shall send to the Convention Secretary a tally showing the vote of each member of his or her delegation indicating whether such vote was cast in person or by an alternate. Such roll call votes may be conducted by having the Chair for each delegation report by telephone, or electronic voting mechanism, the vote of his or her delegation to the rostrum, provided that the telephone poll shall not be used in the balloting for the Presidential and Vice Presidential nominees. Business shall be permitted to proceed during the telephone roll call and votes may be conducted by electronic mechanism. After each official vote, the Delegation Chair shall record and tally votes of the delegation on official roll call tally sheets provided by the Convention Secretary. All official roll call tally sheets shall be turned in to the Convention Secretary at a specified location not more than thirty (30) minutes after the close of each voting period.
c. All delegates to the National Convention pledged to a presidential candidate shall in all good conscience reflect the sentiments of those who elected them.
d. In the case where a pledged delegate is not on the floor of the Convention Hall at the time a vote is taken, an alternate may be designated according to the rules to cast the vote. In no case may an alternate cast a vote for a delegate allocated under I.F., I.G., I.H. or I.I. of this Call.
e. On a roll call vote by states, the vote cast on behalf of a delegation may be challenged by communication to the Convention Secretary by telephone or other means by any voting member of that state's delegation within ten (10) minutes after the Convention Secretary's announcement of the state's vote. The votes of that delegation shall then be recorded as polled without regard to any state law, party rule, resolution or instruction binding the delegation or any member thereof to vote for or against any candidate or proposition. The Convention Chair may send a parliamentarian to the delegation to conduct the poll. At the discretion of the Convention Chair, the roll call may continue instead of waiting for the result of the polling.
f. On a roll call vote conducted by telephone or other electronic voting mechanism, the vote of a delegation as shown on the video projection system may be challenged by communication to the Convention Secretary by telephone or other means by any voting member of the delegation within ten

(10) minutes after the delegation's vote is shown on the screen.
g. A demand to poll a delegation may be withdrawn at any time before the actual polling has begun.
4. Interruption of Vote: When the question has been put, the vote thereon may not be interrupted for any purpose other than a demand for a roll call vote or a point of order directed to the conduct of the vote.
5. Determination of Question: Except as otherwise provided in these rules, all questions, including the question of nominations of candidates for President and Vice President of the United States, shall be determined by a majority vote of the delegates to the Convention.
G. Filling a Vacancy on the National Ticket: In the event of death, resignation or disability of a nominee of the Party for President or Vice President after the adjournment of the National Convention, the National Chairperson of the Democratic National Committee shall confer with the Democratic leadership of the United States Congress and the Democratic Governors Association and shall report to the Democratic National Committee, which is authorized to fill the vacancy or vacancies.
H. Interpretation of the Rules: In interpreting the rules, the Chair may have recourse to the ruling of Chairs of previous Democratic Conventions, to the precedents of the United States House of Representatives and to general parliamentary law.
I. Appeals:
1. The Chair shall decide all questions of order subject to an appeal by any delegate which may be debated for not more than ten (10) minutes, the time to be equally divided between the delegate appealing the ruling and a delegate in favor of sustaining the ruling of the Chair; provided that an appeal shall not be in order while another appeal is pending or from decisions on recognition or from decisions on dilatoriness of motions or during a roll call vote or on a question on which an appeal has just been decided or, when in the opinion of the Chair, such appeal is clearly dilatory.
2. Before the question is put on any appeal, the Chair shall be entitled to state briefly the reasons for the ruling being appealed.
J. Motion to Suspend the Rules: The Chair shall entertain a motion to suspend the rules, which shall be decided without debate and which shall require a vote of two thirds (2/3) of the delegates voting, a quorum being present.
K. Motion:
1. No question of privilege or any motion other than those provided under these rules shall be entertained, except the motion to recess (to a time certain or at the call of the Chair), which shall be privileged, and the motion to adjourn, which shall be the highest privilege.
2. Motions to adjourn or to recess shall be in order at any time except when the question has been put or a vote is in progress and shall be decided without debate. The Chair shall not entertain a motion to adjourn or recess when such motion closely follows another such motion if in the opinion of the Chair such motion is dilatory.

L. Amendments: No amendments to resolutions or motions before the Convention shall be permitted, except amendments to standing committee reports or resolutions offered at the direction of the standing committee or in a minority report of that standing committee; provided that no motion or proposition on a subject different from that under consideration shall be admitted in the form of such an amendment.

M. Minority Reports: Minority reports of committees shall not be considered unless adopted in writing by members representing at least twenty percent (20%) of the total votes of a committee. A minority report may be withdrawn at any time prior to or during the Convention. A minority report shall be deemed to be withdrawn when support for the report falls below the number of members representing twenty percent (20%) of the total votes of the standing committee as evidenced by the written withdrawal of support by proponents of the report. A committee member may withdraw his or her support for a minority report by written notice to the Secretary of the Democratic National Committee.

N. Responsibility: By participating in the Democratic National Convention, each delegate assumes the responsibility for doing all within his or her power to assure that voters of his or her state will have the opportunity to cast their election ballots for the Presidential and Vice Presidential nominees selected by the Convention or, should a vacancy arise, pursuant to Article VIII.G. of these rules, and expressly agrees that he or she will not publicly support or campaign for any candidate for President or Vice President other than the nominees of the Democratic National Convention, or, should a vacancy arise, the nominee(s) selected pursuant to Article VIII.G.

O. Debate: Unless otherwise provided in these rules or in a resolution providing for a special order of business, debate on any question shall be limited to a total of twenty (20) minutes and shall be equally divided between proponents and opponents unless they and the Chair agree upon an additional or lesser amount of time.

P. Quorum: A majority of the delegates to the Convention shall constitute a quorum thereof for the purpose of transacting business. Upon a point of order of no quorum being made, the Chair shall ascertain the presence or absence of a quorum by visual estimation and shall not proceed until a quorum is present; provided that a motion to adjourn may be offered and voted upon without a quorum present.

Q. References to the "Chair": All references to the authority and responsibilities of the "Chair" shall pertain to the Temporary Chair, the Permanent Chair, the Co-Chairs and any other person assuming the duties of the Chair as appropriate during the Convention.

R. Equal Division: The Charter of the Democratic Party of the United States provides that the National Convention shall be composed of delegates and alternates equally divided between men and women. This Call, in compliance with the Charter, and pursuant to Rule 6.C. of the 2008 Delegate Selection Rules, mandates that delegates and alternates from each state and jurisdiction shall be equally di-

vided between men and women with a variance of no more than one (1).
S. Non-Discrimination: Discrimination on the basis of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status or physical disability in the conduct of Democratic Party affairs is prohibited.
T. Territories: The term "territories" shall refer to American Samoa, Democrats Abroad, Guam and the Virgin Islands in this Call.
U. Journal of Proceedings:
1. A record of all actions taken each day by the Convention shall be printed and made available to all delegates and alternates the following day by the Convention Secretary.
2. The Secretary of the Democratic National Committee will provide a journal of the full proceedings of the Convention, which shall be printed within the year following the Convention.

Appendix A

Relationship Between the 2008 Rules of Procedure of the Credentials Committee and the 2008 Delegate Selection Rules

Under Rule 20.B. of the 2008 Delegate Selection Rules, the Rules and Bylaws Committee has jurisdiction over challenges pertaining to the submission, non-implementation and violation of state Delegate Selection and Affirmative Action Plans. The following "Rules of Procedure of the Credentials Committee of the 2008 Democratic National Convention" describes the procedure for considering challenges once the Credentials Committee assumes responsibility for the challenge process as otherwise described in Rule 20.B.

All delegates and alternates to the 2008 Democratic National Convention shall be selected in accordance with the 2008 Delegate Selection Rules and the 2008 Call. Only delegates and alternates selected under a delegate selection system approved by the DNC Rules and Bylaws Committee pursuant to the 2008 Delegate Selection Rules shall be placed on the Temporary Roll of the 2008 Democratic National Convention. All challenges to the credentials of delegates and alternates to the 2008 Democratic National Convention shall be processed in accordance with the "Rules of Procedure of the Credentials Committee of the 2008 Democratic National Convention."

RULES OF PROCEDURE OF THE CREDENTIALS COMMITTEE OF THE 2008 DEMOCRATIC NATIONAL CONVENTION

1. Jurisdiction of the Credentials Committee

The Credentials Committee shall have jurisdiction to hear and decide:

A. Any challenge brought before the DNC Rules and Bylaws Committee and not resolved before the 56th calendar day preceding the date of commencement of the Democratic National Convention; and,

B. Any challenge alleging:

1. Failure to implement a final order of the DNC Rules and Bylaws Committee; or

2. Failure to implement a plan approved by the DNC Rules and Bylaws Committee, if such challenge is initiated on or after the 56th day preceding the date of commencement of the Democratic National Convention, except with regard to Rule 19.E. of the Delegate Selection Rules.

2. Parties

A. Challenging Parties: A challenge to the credentials of any delegate or alternate to the 2008 Democratic National Convention shall be brought by at least fifteen (15) Democrats who are residents of the state and level at which delegates to the National Convention are elected in which the challenge arises, and who fulfill (1), or if there is no Democratic Party enrollment or registration in the state, then either (2) or (3) below:

1. Registration or enrollment as Democrats in those states which employ such procedures. Persons not registered to vote or persons registered as unaffiliated voters or enrolled as members of other parties or as independents shall not have standing to bring a challenge.

2. Participation in Democratic Party affairs. Persons who have participated in the affairs of another political party during the preceding 12-month period shall not have standing to bring a challenge. Participation in a party's affairs shall include, but not be limited to, voting in the immediately preceding primary of that political party.

3. Any person who lacks standing under paragraphs (1) and (2) and who demonstrates that he or she attempted to participate in the affairs of the Democratic Party in good faith shall have standing to challenge.

4. Each challenge shall include a statement indicating that each challenger subscribes to the substance, intent and principles of the Charter and Bylaws of the Democratic Party of the United States. Each challenger must have been personally injured with respect to his or her participation in the delegate selection process by any violation complained of or shall be so situated that he or she clearly will be personally injured by such violation.

B. Challenged Parties:

1. Where delegates or alternates to the Convention have been selected from the level at which delegates to the National Convention are elected in which the challenge arises, the challenged party or parties shall be a delegate or alternate or a group of delegates or alternates or the entire delegation from that level.

2. Where delegates or alternates to the Convention have not yet been selected from the level at which delegates to the National Convention are elected in which the challenge arises, the challenged party shall be the Democratic Party organization responsible for that level; provided that where any state law or state party rule, regulation, decision or other state party action or omission is challenged, the State Democratic Party shall also be named as a challenged party. If during the tendency of the challenge, any delegate(s) or alternate(s) to the Convention are selected from the level involved, such delegate(s) or alternate(s) shall be joined as challenged parties if any relief with respect to their credentials at the Convention is sought.
3. The State Democratic Party shall be joined as a challenged party if a challenged party so requests.
C. Intervening Parties:
1. A State Democratic Party may intervene as of right in any challenge proceeding for the purpose of protecting any interest it may have with respect to that proceeding.
2. A presidential candidate may intervene as of right in any challenge proceeding for the purpose of protecting any interest he or she may have with respect to that proceeding.
3. For good cause shown, any other person having standing under Section 2.A. may be permitted to be heard as an amicus curiae or, in appropriate circumstances, to intervene, for all or limited purposes, by leave of the Chair of the Credentials Committee or the Hearing Officer.

3. Filing, Service of Documents and Computation of Time

A. Filing: Any challenge, answer and accompanying documents to be considered in the processing of any challenge shall be filed by hand delivery (receipt to be retained), certified mail (return receipt requested), or by an overnight delivery service (signature required) to: Chair, 2008 Convention Credentials Committee, c/o Democratic National Committee, 430 South Capitol Street, S.E., Washington, DC 20003 with a copy to the Chair of the Democratic Party of the state in which the challenge arises. The original and a copy of each document shall be filed. Filing shall be deemed complete upon receipt, or in the case of hand delivery, upon delivery.
B. Service: Any document filed in any proceeding pursuant to these rules shall be served at the same time by the filing party upon all other parties to the proceeding, with a copy to the Chair of the Democratic Party of the state in which the challenge arises. Service shall be made by hand delivery (receipt to be obtained), certified mail (return receipt requested), or an overnight delivery service (signature required) to each party or his or her attorney, if any. Any document filed pursuant to these rules shall be accompanied by a certificate of service signed by the filing party or by his or her attorney, if any. Service shall be deemed complete, in the case of hand-delivery, on the date of receipt by the served party or, in the case of service by certified mail or an overnight delivery service, on the first business day on which delivery is attempted.

C. Time:
1. In computing any period of time prescribed by these rules, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and holidays shall be included.
2. The Chair of the Credentials Committee shall have authority for good cause, on application or sua sponte, to enlarge or shorten any period of time prescribed by these rules. An extension of time shall be granted only when compelling need is shown.

4. Challenges
A. A credentials challenge shall be commenced by the filing of a written challenge not later than:
1. Fifteen (15) calendar days after the violation occurred, or
2. Fifteen (15) calendar days after the selection of any delegate or alternate whose credentials to the Democratic National Convention are to be put in issue, whichever occurs first. The challenging parties shall, within the period provided by the State Democratic Party in its Delegate Selection Plan, invoke, and shall thereafter exhaust, the remedies provided by State Democratic Party procedures for the violations alleged.
B. The challenge shall be verified by the notarized signature of each challenging party, and shall include the following:
1. The name, address and telephone number of each challenging party and allegations of fact fulfilling the requirements of Section 2.A.; and the name, address and telephone number of each challenging party's attorney or other representative authorized to receive documents on behalf of the challenger.
2. The name, address and telephone number of each delegate or alternate whose credentials are challenged, or a statement that such information is unavailable to the challenging parties; or, where delegates or alternates have not yet been selected, the name, address and telephone number of each challenged party.
3. An identification of the state and level at which delegates to the National Convention are elected in which the challenge arises.
4. A plain, concise and specific statement of each violation of a state delegate selection plan approved by the DNC Rules and Bylaws Committee, or of a final order of the DNC Rules and Bylaws Committee; or a statement that the state does not have an approved delegate selection plan.
5. A plain, concise and specific statement of how each challenging party has been injured with respect to his or her participation in the delegate selection process by each alleged violation.
6. A plain, concise and specific statement of the remedies each challenging party has invoked with respect to each alleged violation before filing a credentials challenge with the credentials Committee, and a statement of the expected length of time for exhaustion of the state party procedures.
7. A plain, concise and specific statement of the relief requested and the reason therefore. If a challenging party proposes that he or she be seated in the state's delegation, the

challenge shall include a plain, concise and specific statement of the reasons why that party has a right to be seated, superior to that of the delegate or alternate whose seat he or she seeks; and a plain, concise and specific statement of how the challenging party has complied with all applicable laws, rules and regulations and has participated in the delegate selection process.
C. The challenge shall be accompanied by the following documents:
1. A plain, concise and specific statement that contains, by separately numbered paragraphs, each violation alleged and each form of relief sought.
2. A list of the name, address and telephone number of each witness who is likely to be called to testify in support of the challenge.
3. A list of the documents likely to be offered in support of the challenge, together with copies of those documents.

5. Answer

A. Within ten (10) calendar days after service of a challenge, each challenged party shall file a written answer, verified by the notarized signature of each challenged party, including the following:
1. The name, address and telephone number of each challenged party and the name, address and telephone number of his or her attorney or other representative authorized to receive documents on behalf of the challenged party.
2. A statement as to whether the standing under Section 2.A. of the challenging parties is in dispute.
3. A response to the challenge, separately admitting or denying each statement therein, or stating that the challenged party is without sufficient information to admit or deny. A response to a statement shall fairly meet its substance, admitting those parts that are true and denying those parts that are false.
4. A plain, concise and specific statement of each and every affirmative defense to the alleged violations.
5. A plain, concise and specific statement of any other reasons why the challenged party should prevail.
B. The answer shall be accompanied by the following documents:
1. A plain, concise and specific statement that contains, by reference to each numbered paragraph of the challenging statement required by Section 4.C.1., a response to each alleged violation or request for relief. A response to a proposition shall fairly meet its substance, admitting those parts that are true and denying those parts that are false. Wherever a proposition is denied in whole or in part, the proposition supported by the challenged party on that point shall be stated.
2. A list of the name, address and telephone number of each witness who is likely to be called in opposition to the challenge.
3. A list of the documents likely to be offered in opposition to the challenge, together with copies of those documents.
C. Challenged parties may consolidate their answers.

6. Dismissal and Decision on the Pleadings

A. Dismissal:

1. The Chair of the Credentials Committee shall dismiss any challenge, or part of a challenge, which does not fall within the jurisdiction of the Credentials Committee.

2. If a state party has adopted and implemented an approved affirmative action program, the Chair shall dismiss any challenge, or part of a challenge, which is based solely on composition of the Convention delegation, except in the case of a challenge based upon the failure to achieve equal division.

3. The Chair shall have authority to dismiss any challenge which is brought by persons lacking standing under Section 2.A., or which otherwise fails to comply substantially with these rules, or which is otherwise manifestly insufficient.

4. Any dismissal shall be accompanied by a written opinion by the Chair.

B. Decision on the Pleadings: The Chair of the Credentials Committee shall have authority to make a decision on the pleadings where it is plain from the challenge and the answer, together with the documents accompanying those pleadings, that there is no genuine issue of material fact between the parties. Any decision on the pleadings shall be accompanied by a written opinion by the Chair.

C. Review of Dismissal or Decision on the Pleadings: Within five (5) calendar days after service of a notice of the entry of a dismissal under Section 6.A. or under Section 1.B., an aggrieved party may file a Petition for Review by the Credentials Committee stating the objections to the Chair's action, and may file a brief. Within five (5) calendar days after service of the petition, any other party may file a brief. Consideration of the challenge by the Credentials Committee shall proceed as in other cases, except that the challenge shall be given precedence on the committee's docket.

7. Decision of State Party Body

A. The Chair of the Credentials Committee may defer, for such period as is appropriate, proceedings on a challenge in order to give time for the consideration of any challenge or other related matter under State Democratic Party procedures. The deferral period shall not be so long as to interfere with the processing and consideration of the challenge by the Credentials Committee if that should prove necessary.

B. The State Democratic Party body may take such action with respect to the challenge or other related matter as it is authorized to take under state law and state party rules.

C. After a decision by a state party body on a challenge or other related matter, any party to the challenge pending before the Credentials Committee may request the Committee to process the challenge and the Committee shall do so. The party making the request shall file any written decision or order made with respect to the challenge by the state party body. The decision of the state party body shall be given such weight as the Credentials Committee finds warranted in the circumstances.

D. Records of proceedings conducted by the state party body with respect to the challenge or other related matter, and other papers relating to the state party proceedings, shall be

admissible in Credentials Committee proceedings on the challenge.

8. Hearing

A. With respect to any challenge or part of a challenge not dismissed or decided on the pleadings under Section 6., an open and public hearing shall be held on the specific factual and legal matters in dispute. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing.

B. The hearing shall be held in Washington, D.C. unless the Chair of the Credentials Committee determines that in the interest of justice it should be held elsewhere.

C. The hearing shall be conducted by a Hearing Officer appointed by the Chair of the Credentials Committee. The Hearing Officer shall be a Democrat, neutral in the context of the challenge, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any presidential campaign or any group promoting or opposing credentials challenges. The Chair shall make a reasonable effort to secure the agreement of the parties to the Hearing Officer.

D. The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these rules, as to secure the just, speedy and inexpensive determination of the challenge, including the right to require the parties to participate in a pre-hearing conference.

E. Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may make a proffer of the evidence that would have been presented but for the ruling.

F. The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge.

G. A challenging party shall have the burden of proof by clear and convincing evidence on all factual issues necessary to the challenge, except that the burden of proof shall rest with the challenged party in the case of:

1. any unresolved challenges to a state's affirmative action program filed thirty (30) days or more prior to the initiation of the state's delegate selection process other than a challenge made on the basis of non-implementation of a specific requirement of a state plan; and,

2. any challenge for failure to submit and implement an approved affirmative action program by the deadline specified in the Delegate Selection Rules.

H. The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.

I. The Hearing Officer shall have authority to order for good cause, on application or sua sponte, that a party produce at the hearing designated evidence in the interest of justice.

Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.
J. Subject to any ruling under Section 8.E., each party shall have the right to present competent oral and documentary evidence relevant to the specific matters in issue and to conduct cross-examination.
K. The Hearing Officer may require parties to consolidate their challenges or defenses for purposes of the hearing.
L. The Hearing Officer shall make and file a written report to the Credentials Committee, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge. The reports shall be served on all parties to the challenge.
M. Any transcript or other papers in the record from any proceedings before the DNC Rules and Bylaws Committee shall be part of the record.

9. Consideration by the Credentials Committee
A. The Credentials Committee shall begin meeting at the call of the Chair in Washington, D.C., or elsewhere at the call of the Chair, to hear challenges. No later than thirty (30) days before the first meeting of the Credentials Committee, written notice of the date, time, place, and the tentative agenda of such meeting shall be sent to all members of the Credentials Committee. A special or emergency meeting of the Credentials Committee may be held upon call of the Chair of the Credentials Committee with reasonable notice to the members.
B. All meetings of the Credentials Committee shall be open to the public; provided that the Chair of the Committee shall exclude from the specific area where the committee is conducting its business all persons whose presence in that area is not required for the proper conduct of the business.
C. Request for hearing by Full Committee: Within two (2) days after service of the Hearing Officer's report, an aggrieved party may file a written Petition for Review by the Credentials Committee. The petition shall contain a plain, concise and specific statement of the reasons for appeal and the procedural and/or substantive errors claimed by the petitioner.
D. Briefs:
1. Within three (3) calendar days after filing the Petition for Review, the petitioner for review may file a brief.
2. Within three (3) calendar days after service of the petitioner's brief, a respondent may file a brief.
3. Any party filing a brief shall file as many copies as there are members of the committee, plus ten (10) copies for the Chair and staff of the committee.
E. Argument:
1. Each side of a challenge shall be entitled to present oral argument before the Committee for a period determined by the Chair of the committee, generally not to exceed fifteen (15) minutes.
2. The Chair of the committee may require parties to consolidate or separate their challenges or defense for purposes of oral argument.

3. The Chair of the committee shall notify the parties of the time and place of oral argument.
F. Resolutions:
1. All proposed resolutions relating to the disposition of a credentials challenge shall be in writing and signed by the proponent and at least one (1) second. Proposed resolutions relating to the seating or unseating of delegates or alternates shall be seconded in writing by at least seven (7) members, no more than two (2) of whom may be members elected by the delegation from the same state as the proponent of the resolution.
2. All proposed resolutions relating to the disposition of a credentials challenge shall be framed so as to be dispositive of the entire challenge and, to that end, shall be specific in stating the action recommended to be taken by the Convention.
3. Following the submission of all proposed resolutions to the Chair, the resolution having the largest number of signed seconds shall become the pending order of business. Twenty (20) minutes of debate shall be allotted to each proposed resolution, equally divided between the proponents and the opponents. At the conclusion of the debate, the resolution shall be put to a vote. In the event the resolution is not adopted, the proposed resolution having the next largest number of signed seconds shall become the pending order of business, and so on until the challenge is disposed.
4. No amendment to any proposed resolution shall be permitted, except with the consent of the proponent, and no resolution or propositions on a subject different from that under consideration shall be admitted in the form of such an amendment.
G. Presidential Preference of Delegation: Except where the issue is the expressed presidential preference of the level at which delegates to the National Convention are elected represented by the challenged delegates, any remedy for a violation shall fairly reflect the expressed presidential preference of that level.
H. Voting: A member of the Credentials Committee elected by a state delegation shall not vote on a challenge arising in that state. All matters shall be determined by a majority vote of those present and voting, a quorum of the full Committee being present. A quorum shall consist of members present in person representing a majority of the total number of committee votes entitled to be counted in the matter.
I. Proxies: Proxy voting shall be prohibited.

10. Committee Report
The Report of the Credentials Committee shall be distributed to all delegates, alternates and the public as soon as practicable after its adoption.

11. Minority Reports
Upon the request of members representing at least twenty percent (20%) of the total votes of the Credentials Committee, a minority report shall be prepared for distribution to all Convention delegates, alternates and the public as part of the Committee's report. This minority report shall be dis-

tributed at the same time the Credentials Committee Report is distributed. No member elected to the committee by a state delegation may join in such request as to a proposed minority report relating to a credentials challenge to any delegate from his or her state. The committee staff shall assist in the preparation of such report.

12. Record

A. The official record of any proceedings under these rules shall be maintained in the office at the Democratic National Committee in Washington, D.C. and shall be open and available for public inspection and duplication at reasonable times.

B. All meetings of the full Credentials Committee shall be transcribed.

13. Interpretation and Waiver of Rules and Provision for Special Rules

A. These rules shall be interpreted and applied in the interests of justice and fairness to all parties, speed and economy. To serve these interests, and for good cause, on application or sua sponte, the Chair of the committee shall have the authority to waive any provision of these rules other than Sections 1.B. and Section 5.

B. In the case of any challenge filed on or after the 56th calendar day before the convention begins, the Chair may shorten the time periods specified in these rules for processing the challenge, including the time to file documents and conduct hearings, as the interests of justice and the orderly disposition of challenges dictate; provided, however, that in any event:

1. The challenge and accompanying papers shall be filed not later than three (3) days after the occurrence of the violation alleged.

2. The answer and accompanying papers shall be filed not later than three (3) days after service of the challenge.

APPENDIX B

2008 DEMOCRATIC NATIONAL CONVENTION

DELEGATE/ALTERNATE ALLOCATION

(As adopted by the Democratic National Committee at its meeting February 1–3, 2007.)

State	Allocation Factor (AF(3,000 = # of Base Delegates)	Pledged Delegate Votes				Total Pledged Delegate Votes	Unpledged Delegate Votes					Total Unpledged Delegate Votes	Total Delegate Votes	Total # of Delegates	Alternates	Delegation Size
		Allocated Base Delegates			Party Ldrs & Elected Officials (15% Add-on)		Dem. Nat'l Comm. Members (a)	Dem. Members of Congress (b)	Dem. Governors (c)	Distinguished Party Leaders (d)	Add-on Unpledged (Based on DNC Member Votes)					
		Total Base Delegates	District Level (75% of Base)	At-Large (25% of Base)												
AL	0.014871	45	34	11	7	52	5	2	0	0	1	8	60	60	9	69
AK	0.003647	11	8	3	2	13	4	0	0	0	1	5	18	18	4	22
American Samoa (e)	0.000000	3	0	3	0	3	4	1	1	0	0	6	9	12	1	13
AZ	0.016383	49	37	12	7	56	6	4	0	0	1	11	67	67	9	76
AR	0.009921	30	22	8	5	35	5	5	1	0	1	12	47	47	6	53
CA	0.107417	322	241	81	48	370	32	32	0	1	5	70	440	440	62	502
CO	0.016022	48	36	12	7	55	7	5	1	1	1	15	70	70	9	79
CT	0.014158	42	31	11	6	48	7	4	0	1	1	13	61	61	8	69
DE	0.004442	13	10	3	2	15	4	2	1	0	1	8	23	23	4	27
Dems. Abroad (e)	0.000000	6	0	6	1	7	4	0	0	0	0	4	11	22	1	23
DC	0.004481	13	10	3	2	15	16	3	1	0	2	22	37	37	4	41
FL	0.053814	161	121	40	24	185	12	10	0	0	3	25	210	210	31	241
GA	0.025172	76	57	19	11	87	7	6	0	1	2	16	103	103	15	118
Guam (e)	0.000000	3	0	3	0	3	4	1	0	0	0	5	8	11	1	12
HI	0.005757	17	13	4	3	20	4	4	0	0	1	9	29	29	4	33
ID	0.005258	16	12	4	2	18	4	0	0	0	1	5	23	23	4	27
IL	0.044362	133	100	33	20	153	15	12	1	1	3	32	185	185	26	211
IN	0.018984	57	43	14	9	66	5	6	0	1	1	13	79	79	11	90
IA	0.012860	39	29	10	6	45	6	4	1	0	1	12	57	57	8	65
KS	0.009457	28	21	7	4	32	5	2	0	0	1	8	40	40	5	45
KY	0.013750	41	31	10	6	47	5	2	0	0	1	8	55	55	8	63
LA	0.016433	49	37	12	7	56	7	3	1	0	1	12	68	68	9	77
ME	0.006988	21	16	5	3	24	4	2	1	2	1	10	34	34	4	38
MD	0.020224	61	46	15	9	70	18	8	1	0	2	29	99	99	12	111
MA	0.027008	81	61	20	12	93	10	12	1	3	2	28	121	121	16	137
MI	0.036887	111	83	28	17	128	19	6	1	0	2	28	156	156	21	177
MN	0.021153	63	47	16	9	72	7	6	0	1	2	16	88	88	12	100
MS	0.009568	29	22	7	4	33	4	2	0	0	1	7	40	40	6	46
MO	0.021010	63	47	16	9	72	8	5	0	1	2	16	88	88	12	100
MT	0.004309	13	10	3	2	15	4	2	1	0	1	8	23	23	4	27
NE	0.006943	21	16	5	3	24	5	1	0	0	1	7	31	31	4	35

NV	0.007445	22	16	6	3	25	6	1	0	0	1	8	33	33	4	37
NH	0.006427	19	14	5	3	22	4	2	1	0	1	8	30	30	4	34
NJ	0.030941	93	70	23	14	107	8	9	1	0	2	20	127	127	18	145
NM	0.007605	23	17	6	3	26	7	2	1	1	1	12	38	38	4	42
NY	0.067490	202	151	51	30	232	18	24	1	1	4	48	280	280	39	319
NC	0.026300	79	59	20	12	91	9	7	1	0	2	19	110	110	15	125
ND	0.003783	11	8	3	2	13	4	3	0	0	1	8	21	21	4	25
OH	0.041052	123	92	31	18	141	11	7	1	0	2	21	162	162	24	186
OK	0.011163	33	25	8	5	38	6	1	1	0	1	9	47	47	6	53
OR	0.013852	42	31	11	6	48	7	5	1	0	1	14	62	62	8	70
PA	0.043782	131	98	33	20	151	14	12	0	1	3	30	181	181	25	206
PR	0.000000	44	33	11	7	51	5	0	1	0	1	7	58	58	9	67
RI	0.006075	18	13	5	3	21	6	4	0	0	1	11	32	32	4	36
SC	0.012941	39	29	10	6	45	6	2	0	0	1	9	54	54	8	62
SD	0.004082	12	9	3	2	14	4	2	0	1	1	8	22	22	4	26
TN	0.019521	59	44	15	9	68	8	5	1	1	2	17	85	85	11	96
TX	0.056138	168	126	42	25	193	18	12	0	2	3	35	228	228	32	260
UT	0.006762	20	15	5	3	23	4	1	0	0	1	6	29	29	4	33
VT	0.004284	13	10	3	2	15	5	2	0	0	1	8	23	23	4	27
Virgin Islands (e)	0.000000	3	0	3	0	3	4	1	1	0	0	6	9	12	1	13
VA	0.024034	72	54	18	11	83	12	4	1	1	2	20	103	103	14	117
WA	0.022550	68	51	17	10	78	7	8	1	1	2	19	97	97	13	110
WV	0.007664	23	17	6	3	26	6	3	0	1	1	11	37	37	4	41
WI	0.021377	64	48	16	10	74	8	7	1	0	2	18	92	92	12	104
WY	0.003453	10	7	3	2	12	4	0	1	0	1	6	18	18	4	22
Unassigned	0.000000	0	0	0	0	0	3	0	0	0	0	3	3	3	0	3
TOTAL		3,056	2,278	778	456	3,512	441	276	28	23	81	849	4,361	4,381	605	4,986

Footnotes:

(a) Each member of the Democratic National Committee, as duly certified to the Party Secretary, is a delegate from the state or territory in which he or she legally resides at the time of the 2008 Democratic National Convention. This allocation reflects the current legal residence of all such members, including the officers and those who, pursuant to the Charter of the Democratic Party of the United States, are members by virtue of their status as Party leaders in the U.S. Congress or by virtue of their status as representatives or designees of such Party leaders or of other associations and organizations specified in the Charter. Because such members are subject to change, delegate distribution at the Convention may differ from that set forth above. In addition, the DNC member allocation set forth above reflects the number of votes (not the number of delegates) added to the delegation from each state or territory to take into account such members. Because of fractional votes, the number of such delegates in some states and territories may differ from the number of delegate votes allocated to such states or territories.

(b) Members of Congress include all Democratic members of the U.S. Senate and the U.S. House of Representatives, except those Democratic members who are reflected as delegates in other categories pursuant to the rules. Democratic Members of Congress are allocated to the states based upon the residence of those members. The exact number of those delegates is subject to change due to possible deaths, resignations, elections or special elections between now and the time of the 2008 Democratic National Convention, and possible changes in the membership of the Democratic National Committee.

(c) The allocation for Democratic Governors does not include those Democratic Governors who are members of the Democratic National Committee and serve as delegates in that capacity. This allocation for Democratic Governors is subject to change due to possible deaths, resignations, elections or special elections between now and the time of the 2008 Democratic National Convention, and possible changes in the membership of the Democratic National Committee.

(d) Pursuant to Article I.F. of the Call for the 2008 Democratic National Convention, this category includes the Democratic U.S. President and Vice President, former Democratic U.S. Presidents and Vice Presidents, former Democratic Leaders of the U.S. Senate, former Democratic Speakers of the U.S. House of Representatives and Democratic Minority Leaders, as applicable, and former Chairs of the Democratic National Committee. This allocation for Distinguished Party Leaders is subject to change due to possible deaths, resignations, elections or special elections between now and the time of the 2004 Democratic National Convention.

(e) American Samoa, Guam, and the Virgin Islands may select six (6) delegates to cast the delegation's At-Large delegate votes. Democrats Abroad may select twelve (12) delegates to cast the delegation's six (6) At-Large delegate votes and two (2) delegates to cast the one (1) Party Leader and Elected Official (PLEO) delegate vote.

APPENDIX C

2008 DEMOCRATIC NATIONAL CONVENTION

ALLOCATION OF CONVENTION PAGES TO STATES

(As adopted by the Democratic National Committee at its meeting February 1–3, 2007.)

State	Pages
ALABAMA	2
ALASKA	2
AMERICAN SAMOA	1
ARIZONA	2
ARKANSAS	2
CALIFORNIA	11
COLORADO	2
CONNECTICUT	2
DELAWARE	2
DEMOCRATS ABROAD	1
DISTRICT OF COLUMBIA	2
FLORIDA	5
GEORGIA	3
GUAM	1
HAWAII	2
IDAHO	2
ILLINOIS	5
INDIANA	2
IOWA	2
KANSAS	2
KENTUCKY	2
LOUISIANA	2
MAINE	2
MARYLAND	3
MASSACHU-SETTS	3
MICHIGAN	4
MINNESOTA	3
MISSISSIPPI	2
MISSOURI	3
MONTANA	2
NEBRASKA	2
NEVADA	2
NEW HAMP-SHIRE	2
NEW JERSEY	4
NEW MEXICO	2

2008 DEMOCRATIC NATIONAL CONVENTION—Continued

ALLOCATION OF CONVENTION PAGES TO STATES

(As adopted by the Democratic National Committee at its meeting February 1–3, 2007.)

State	Pages
NEW YORK	7
NORTH CAROLINA	3
NORTH DAKOTA	2
OHIO	4
OKLAHOMA	2
OREGON	2
PENNSYLVANIA	5
PUERTO RICO	2
RHODE ISLAND	2
SOUTH CAROLINA	2
SOUTH DAKOTA	2
TENNESSEE	2
TEXAS	6
UTAH	2
VERMONT	2
VIRGIN ISLANDS	1
VIRGINIA	3
WASHINGTON	3
WEST VIRGINIA	2
WISCONSIN	3
WYOMING	2
UNASSIGNED	0
TOTAL	150

APPENDIX D

2008 DEMOCRATIC NATIONAL CONVENTION

ALLOCATION OF STANDING COMMITTEE MEMBERS

(As adopted by the Democratic National Committee at its meeting February 1–3, 2007.)

State	Members	Votes
ALABAMA	2	2
ALASKA	1	1
AMERICAN SAMOA	1	0.25
ARIZONA	2	2
ARKANSAS	1	1
CALIFORNIA	17	17
COLORADO	2	2
CONNECTICUT	2	2
DELAWARE	1	1
DEMOCRATS ABROAD	1	0.25
DISTRICT OF COLUMBIA	1	1
FLORIDA	8	8
GEORGIA	4	4
GUAM	1	0.25
HAWAII	1	1
IDAHO	1	1
ILLINOIS	7	7
INDIANA	3	3
IOWA	2	2
KANSAS	1	1
KENTUCKY	2	2
LOUISIANA	2	2
MAINE	1	1
MARYLAND	3	3
MASSACHUSETTS	4	4
MICHIGAN	6	6
MINNESOTA	3	3
MISSISSIPPI	1	1
MISSOURI	3	3
MONTANA	1	1
NEBRASKA	1	1
NEVADA	1	1
NEW HAMPSHIRE	1	1
NEW JERSEY	5	5
NEW MEXICO	1	1
NEW YORK	11	11
NORTH CAROLINA	4	4
NORTH DAKOTA	1	1

2008 DEMOCRATIC NATIONAL CONVENTION—Continued

ALLOCATION OF STANDING COMMITTEE MEMBERS

(As adopted by the Democratic National Committee at its meeting February 1–3, 2007.)

State	Members	Votes
OHIO	7	7
OKLAHOMA	2	2
OREGON	2	2
PENNSYLVANIA	7	7
PUERTO RICO	2	2
RHODE ISLAND	1	1
SOUTH CAROLINA	2	2
SOUTH DAKOTA	1	1
TENNESSEE	3	3
TEXAS	9	9
UTAH	1	1
VERMONT	1	1
VIRGIN ISLANDS	1	0.25
VIRGINIA	4	4
WASHINGTON	3	3
WEST VIRGINIA	1	1
WISCONSIN	3	3
WYOMING	1	1
UNASSIGNED		
TOTALS	161	158

E. Rules of the Republican Party Relating to the Convening of the 2008 National Convention [1]

Rule No. 13

Membership in Convention

Subject to the provisions of Rule No. 16, the membership of the next national convention shall consist of:

(a) Delegates.

(1) Ten (10) delegates at large from each of the fifty (50) states.

(2) The national committeeman, the national committeewoman and the chairman of the state Republican Party of, each state and American Samoa, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

(3) Three (3) district delegates for each Representative in the United States House of Representatives from each state.

(4) Six (6) delegates at large from American Samoa, sixteen (16) delegates at large from the District of Columbia, six (6) delegates at large from Guam, six (6) delegates at large from the Northern Mariana Islands, twenty (20) delegates at large from Puerto Rico, and six (6) delegates at large from the Virgin Islands; provided, however, that if Puerto Rico shall become a state prior to the next national convention, the number of delegates from Puerto Rico shall be calculated in accordance with the same formula used for the other states.

(5) From each state having cast its electoral votes, or a majority thereof, for the Republican nominee for President of the United States in the last preceding election: four and one-half (4½) delegates at large plus a number of the delegates at large equal to sixty percent (60%) of the number of electoral votes of that state; provided, however, that if Puerto Rico shall become a state prior to the next national convention, it shall be presumed that it would have cast its electoral votes, or a majority thereof, for the Republican nominee in the last preceding election. (In the computation of the number of delegates at large, any sum of the four and one-half (4½) plus the sixty percent (60%) representing a fraction shall be increased to the next whole number.) In addition, one (1) delegate at large shall be awarded to a state for any and each of the following public officials elected by such state in the year of the last preceding presidential election or at any subsequent election held prior to January 1 of the year in which the next national convention is held:

(i) A Republican governor, provided that no such additional delegate at large award to any state shall exceed one (1);

(ii) Membership in the Republican Party of at least one-half (½) of the Representatives representing a state in the United States House of Representatives; provided that no such additional delegate at large award to any state shall exceed one (1);

(iii) Membership in the Republican Party of a majority of the members of any chamber of a state legislature, if such cham-

[1] The Rules of the Republican Party, as adopted by the 2004 Republican National Convention August 30, 2004.

ber has been organized, and is presided over (if the presiding officer is elected by the chamber), by Republicans; provided that no such additional delegate at large award to any state shall exceed one (1).
(iv) Membership in the Republican Party of a majority of all chambers of a state legislature, if all such chambers are presided over (if the presiding officer is elected by the chamber), by a Republican; provided that no such additional delegate at large award to any state shall exceed one (1).
(6) In addition, one (1) delegate at large shall be awarded to a state for any and each Republican United States Senator elected by such state in the six (6) year period prior to January 1 of the year in which the next national convention is held; provided that no such additional delegate at large award to any state shall exceed two (2).
(7) In addition, if the District of Columbia shall have cast its electoral votes, or a majority thereof, for the Republican nominee for President of the United States in the last preceding presidential election: four and one-half (4½) delegates at large plus the number of delegates at large equal to thirty percent (30%) of the sixteen (16) delegates at large allotted to the District of Columbia. In the computation of the number of delegates at large, any sum of the four and one-half (4½) plus the thirty percent (30%) representing a fraction shall be increased to the next whole number.
(b) Alternate Delegates.
One (1) alternate delegate for each delegate to the national convention, except that no alternates shall be selected for Republican National Committee members.
(c) Any state party may set the date for any primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention. To the extent a state party's rules are in conflict with its state's laws with respect to this rule, the provisions of this rule and the state party's rules shall control. To the extent the provisions of the rule are inconsistent with the provisions of Rule No. 15, the provisions of this rule shall be controlling for all purposes.

Rule No. 14

Participation
(a) The Republican National Committee shall assist the states in their efforts to inform all citizens as to how they may participate in delegate selection procedures. The states, in cooperation with the Republican National Committee, shall prepare instructive material on delegate selection methods and make it available for distribution.
(b) Participation in a Republican primary, caucus, or any meeting or convention held for the purpose of selecting delegates and alternate delegates to a county, district, state, or national convention shall in no way be abridged for reasons of sex, race, religion, color, age, or national origin. The Republican National Committee and the Republican state committee or governing committee of each state shall take positive action to achieve the broadest possible participation by men and women, young people, minority and heritage

groups, senior citizens, and all other citizens in the delegate selection process.
(c) Unless otherwise provided by the laws of the state in which the election occurs, in those states where delegates and alternate delegates are elected through the convention system or a combination of convention and primary systems, the precinct, ward, township, or county meetings shall be open meetings and all citizens who are qualified shall be urged to participate.
(d) Each state shall endeavor to have equal representation of men and women in its delegation to the Republican National Convention.
(e) The provisions of these rules are not intended to be the basis of any kind of quota system.

Rule No. 15

Election of Delegates and Alternate Delegates
(a) Order of Precedence.
Delegates at large and their alternate delegates and delegates from congressional districts and their alternate delegates to the national convention shall be elected in the following manner:
(1) In accordance with any applicable Republican Party rules of a state, insofar as the same are not inconsistent with these rules; or,
(2) To the extent not provided for in the applicable Republican Party rules of a state, in accordance with any applicable laws of a state, insofar as the same are not inconsistent with these rules; or,
(3) By a combination of the methods set forth in paragraphs (a)(1) or (a)(2) of this rule; or,
(4) To the extent not provided by state law or party rules, as set forth in paragraph (c) of this rule.
(b) Timing
(1) Except with respect to delegates and alternate delegates elected under paragraph (c)(1)(ii) of this rule and if consistent with paragraph (d)(4) of this rule:
(i) No presidential primary, caucus, convention, or other meeting may be held for the purpose of voting for a presidential candidate and/or selecting delegates or alternate delegates to the national convention, prior to the first Tuesday of February in the year in which the national convention is held; and,
(ii) The selection process of choosing those who will select the delegates or alternate delegates shall not begin before September 1 of the year before the year in which the national convention is to be held.
(c) General.
In all elections of delegates or alternate delegates to the national convention, the following rules shall apply:
(1) Delegates and alternates to the national convention maybe elected only in one of the following manners:
(i) by primary election;
(ii) by the Republican state committee, where specifically provided by state law;
(iii) by state and congressional district conventions;

(iv) by any method consistent with these rules by which delegates and alternate delegates were selected to the most recent Republican National Convention from that state;
(v) by Rule No. 13(a)(2) of these rules.
(2) Only persons eligible to vote who are deemed as a matter of public record to be Republicans pursuant to state law or, if voters are not enrolled by party, by Republican party rules of a state, shall participate in any primary election held for the purpose of electing delegates or alternate delegates to the national convention or in any Republican caucus, mass meeting, or mass convention held for the purpose of selecting delegates to the county, district, or state conventions, and only such legal and qualified voters shall be elected as delegates to county, district, and state conventions; provided, however, that in addition to the qualifications provided herein, the applicable Republican party rules of a state may prescribe additional qualifications not inconsistent with law, which additional qualifications shall be adopted before the first Tuesday in September in the year before the year in which the national convention is to be held and published in at least one (1) newspaper having a general circulation throughout the state, such publication to be at least ninety (90) days before such qualifications become effective.
(3) No state law shall be observed which permits any person to participate in a primary delegate and alternate delegate selection process that also permits that person at the same primary to participate in the choosing of nominees of any other party for other elective office. Delegates and alternate delegates to the national convention shall in that event be selected pursuant to state party rules that are not inconsistent with the Rules of the Republican Party; provided, however, that the selection process established by the state party rules shall provide that only persons eligible to vote who are deemed to be Republicans pursuant to state law or state party rules shall participate in such delegate selection process.
(4) In any jurisdiction in which Republican representation upon the board of judges or inspectors of elections for primary elections is denied by law, delegates and alternate delegates shall be elected as provided in paragraph (a)(1) or (a)(4) of this rule.
(5) In selecting delegates and alternate delegates to the national convention, no state law shall be observed which hinders, abridges, or denies to any citizen of the United States, eligible under the Constitution of the United States to hold the office of President of the United States or Vice President of the United States, the right or privilege of being a candidate under such state law for the nomination for President of the United States or Vice President of the United States or which authorizes the election of a number of delegates or alternate delegates from any state to the national convention different from that fixed in these rules.
(6) Alternate delegates shall be elected to the national convention for each unit of representation equal in number to the number of delegates elected therein and shall be chosen in the same manner and at the same time as the delegates and under the same rules; provided, however, that if the law

of any state shall prescribe another method of choosing alternate delegates, they may be chosen in accordance with the provisions of the law of the state in which the election occurs, except that no alternates shall be selected for Republican National Committee members.
(7) Delegates and alternate delegates at large to the national convention when serving as delegates and alternate delegates shall be residents of and duly qualified voters in their respective states. All delegates and alternate delegates allocated as delegates and alternate delegates at large shall be elected at large in the several states; provided, however, that such allocation and method of election may be varied in any state to the extent, and only to the extent, necessary to avoid conflict with state law applicable to the selection of national convention delegates if such varying allocation and method of election were those pursuant to which delegates at large and alternate delegates at large were elected to the 1988 Republican National Convention from that state.
(8) Delegates and alternate delegates to the national convention representing congressional districts shall be residents of and qualified voters in said districts respectively when elected and when serving as delegates and alternate delegates. There shall be three (3) delegates and three (3) alternate delegates allocated to represent each congressional district of the several states, who shall be elected by each such congressional district; provided, however, that such number of delegates and alternate delegates allocated to represent, and elected by, any congressional district of a state may be reduced or increased to the extent, and only to the extent, necessary to avoid conflict with state law applicable to the selection of national convention delegates if such varying allocation was that pursuant to which district delegates and alternate district delegates were elected to the 1988 Republican National Convention from the state.
(9) No delegate or alternate delegate to the national convention shall be required to pay an assessment or fee in excess of that provided by the law of the state in which his or her election occurs as a condition of serving as a delegate or alternate delegate to the national convention.
(10) There shall be no automatic delegates to the national convention who serve by virtue of party position or elective office, except as provided for in Rule No. 13 (a)(2).
(11) No delegates or alternate delegates shall be selected pursuant to any Republican Party rule of a state or state law which materially changes the manner of selecting delegates or alternate delegates or the date upon which such state party holds a presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention if such changes were adopted or made effective after the first Tuesday in September of the year before the year in which the national convention is to be held. Where it is not possible for a state party to certify the manner and the date upon which it holds a presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention in effect in that state on the date and in the manner provided in

paragraph (e) of this rule, the process for holding the presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention shall be conducted in the same manner and held upon the same date as was used for the immediately preceding national convention. If it is not possible to hold a presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention upon the same date as was used for the immediately preceding national convention, then delegates or alternate delegates shall be selected by congressional district or state conventions pursuant to paragraph (d) of this rule.
(d) Conventions.
Wherever state law permits or the Republican Party rules of a state require the election of delegates and alternate delegates by convention or there is no applicable state law or Republican Party rule, delegates and alternate delegates to the national convention shall be elected by congressional district or state conventions pursuant to the following rules:
(1) Congressional district or state conventions shall be called by the Republican state committee.
(2) Delegates to congressional district conventions may be elected in precinct caucuses, mass meetings, mass conventions, or county conventions in which only eligible voters in such precinct, county, or district, as the case may be, shall vote.
(3) Notices of the call for any such caucus, meeting, or convention shall be published in a newspaper or newspapers of general circulation in the county, district, or state, as the case may be, not less than fifteen (15) days prior to the date of such caucus, meeting, or convention.
(4) No delegates shall be deemed eligible to participate in any congressional district or state convention the purpose of which is to elect delegates to the national convention who are elected prior to the date of the issuance of the call of such national convention.
(5) Congressional district conventions shall be composed of delegates who are persons eligible to vote and who are deemed to be Republicans pursuant to state law or party rules. State conventions shall be composed of delegates who are persons eligible to vote and who are deemed to be Republicans pursuant to state law or party rules in the respective districts which they represent in said state conventions. Such delegates shall be apportioned by the state Republican Party among counties, parishes, and cities of the state or district having regard to the Republican vote or the population therein.
(6) There shall be no proxies at any district or state convention (which shall not include meetings of a Republican state committee) held for the purpose of selecting delegates to the national convention. If alternate delegates to such selection convention are selected, the alternate delegate and no other shall vote in the absence of the delegate.
(e) Certification and filing by the state committees.
(1) On or before the first Tuesday in September of the year before the year in which the national convention is to be

held, each Republican state committee shall adopt rules, procedures, policies, and instructive materials (prepared pursuant to Rule No. 14(a)) governing the selection of delegates and alternate delegates to the national convention to convene during the following year and shall certify and file with the secretary of the Republican National Committee true copies of the same and of all statutes governing the selection of such delegates and alternate delegates.

(2) The Republican National Committee may grant a waiver to a state party from certain provisions of this rule in the following instance:

(i) Where it is not possible for a state party to comply with the first Tuesday in September deadline delineated in paragraph (e)(1) of this rule and not possible for a state party to hold its presidential primary, caucus, convention, or meeting for the purpose of voting for a presidential candidate and/or selecting delegates to the national convention as was used for the immediately preceding national convention or to select delegates or alternate delegates by congressional district or state conventions pursuant to paragraph (d) of this rule, and the Republican National Committee determines that granting such waiver is in the best interests of the Republican Party.

Rule No. 16

Enforcement of Rules

(a) If any state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of the delegates or alternate delegates to the next national convention, such state shall suffer a loss of its delegates and alternate delegates to that national convention as follows:

(1) If a state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the national convention before the call to the national convention is issued, then the number of delegates to the national convention from that state shall be reduced by fifty percent (50%), and the corresponding alternated delegates shall also be reduced.

(2) If a state or state party violates the Rules of the Republican Party relating to the timing of the selection process resulting in the election of delegates or alternate delegates to the national convention after the call to the national convention is issued, then the number of delegates to the national convention from that state shall be reduced by ninety percent (90%), and the corresponding alternate delegates shall also be reduced.

(3) Any sum representing a fraction shall be increased to the nearest whole number, so long as such rounding does not prevent a state from having at least one (1) delegate or alternate delegate to the national convention.

(b) If a violation has occurred before the issuance of the call to the national convention, the chairman of the Republican National Committee shall notify the offending state of the violation and shall inform the state of the number of dele-

gates and alternate delegates it will lose. This reduced number of delegates and alternate delegates will be reflected in the call to the national convention, and will be reported to the secretary of state or responsible election official of the offending state and to the chairman of every state party. Said reduced number will be the only number recognized as the official delegation of the state to the national convention.

(c) If a violation has occurred after the issuance of the call to the national convention, the chairman of the Republican National Committee shall notify the state of the violation and shall inform the state of the number of delegates and alternate delegates it will lose. This reduced number of delegates and alternate delegates will be reported to the secretary of state or responsible election official of the offending state and to the chairman of every state party, and such reduced number will be the only number recognized as the official delegation of the state to the national convention.

(d) If the chairman of the Republican National Committee does not act upon a violation of the Rules of the Republican Party relating to the selection and/or allocation of delegates or alternate delegates to the national convention, then a statement may be filed against a state or state party by any three (3) members of the Republican National Committee Standing Committee on Rules who feel that a violation has occurred.

(1) A statement filed against a state or state party by any three (3) members of the Standing Committee on Rules shall be written and shall specify the reasons why the members believe the state or state party is in violation. The statement shall be signed and dated by each Rules member filing the statement, and shall be filed with the secretary of the Republican National Committee. The secretary of the Republican National Committee shall, within twenty (20) days of receipt, distribute such statement to all members of the Republican National Committee.

(2) The Standing Committee on Rules shall meet upon the call of the chairman of the Rules Committee, and shall vote upon whether a state or state party is in violation. If by majority vote the Standing Committee on Rules finds a violation, then such state or state party shall suffer the penalties described in paragraph (a) of this rule.

(e) If a state or state party is determined to be in violation:

(1) No member of the Republican National Committee from the offending state shall be permitted to serve as a delegate or alternate delegate to the national convention.

(2) After the Republican National Committee members are excluded from being part of the offending state's delegation to the national convention, the state party shall determine which of the state's remaining delegates (and corresponding alternate delegates) are entitled to serve as part of the state's reduced delegation to the national convention.

(3) In addition to the penalties provided for in paragraphs (e)(1) and (2) of this rule, the Republican National Committee Standing Committee on Rules may impose additional sanctions relating to the offending state's hotel location at the national convention, guest privileges and VIP passes at

the national convention, and seating location in the national convention hall.
(f) A state or state party shall have no appeal from either a finding of a violation against it or a penalty imposed upon it under this rule.

Rule No. 17

Vacancies in a State Delegation
(a) Where the rules adopted by a state Republican Party provide a method for filling vacancies in its national convention delegation, they shall be filled pursuant to such method.
(b) Where the rules adopted by a state Republican Party do not provide a method for filling vacancies in its national convention delegation, and where the state laws do provide such a method of replacement, they shall be filled pursuant to such method provided by state laws.
(c) Where neither the rules adopted by a state Republican Party nor state laws provide a method for filling vacancies in its national convention delegation, the state party should make every effort to elect those individuals filling the vacancies in the delegation in the same manner as the delegates were originally elected or by vote of the state Republican Party executive committee or if the state executive committee has not filled the vacancy by ten (10) days prior to the convention, by vote of the state delegation. This section shall not apply to the delegates allocated to the state in Rule 13(a)(2).

Rule No. 18

Excess Delegates and Alternate Delegates
(a) No state shall elect a greater number of persons to act as delegates and alternate delegates than the actual number of delegates and alternate delegates respectively to which it is entitled under the call for the national convention. Provided, however, that if a state is found in violation of the delegate selection rules under Rule No. 16, then that state shall not elect a greater number of persons to act as delegates and alternate delegates than the actual number of delegates and alternate delegates respectively to which it is entitled under Rule No. 16. No unit of representation may elect any delegate or alternate delegate with permission to cast a fractional vote.
(b) Where more than the authorized number of delegates from any state is certified and forwarded to the secretary of the Republican National Committee in the manner provided in Rule No. 19, a contest shall be deemed to exist and the secretary shall notify the several claimants so reported and shall submit all such credentials and claims to the whole Republican National Committee for decision as to which claimants reported shall be placed upon the temporary roll of the national convention.

Rule No. 19

Certification of Election

(a) All delegates and alternate delegates shall be elected not later than thirty-five (35) days before the date of the meeting of the national convention, unless otherwise provided by the laws of the state in which the election occurs.

(b) Election of delegates and alternate delegates shall be certified:

(1) In every case where they are elected by convention, by the chairman and secretary of such convention or by the chairman and secretary of the Republican state committee, and forwarded to the secretary of the Republican National Committee;

(2) In every case where they are elected by primary, by the canvassing board or officer created or designated by the law of the state in which the election occurs, to canvass the returns and issue certificates of election to delegates or alternate delegates to national conventions of political parties, and all certificates shall be forwarded by said duly elected delegates and alternate delegates in the manner herein provided; and,

(3) In every case where they are elected by the Republican state committee, by the chairman and secretary of the Republican state committee, and forwarded to the secretary of the Republican National Committee.

(c) No later than thirty (30) days before the time set for the meeting of the national convention, the credentials of each delegate and alternate delegate shall be filed with the secretary of the Republican National Committee for use by the secretary in making up the temporary roll of the national convention, except in the case of delegates or alternate delegates elected at a time or times in accordance with the laws of the state in which the election occurs rendering impossible the filing of credentials within the time above specified.

Rule No. 20

Contests: Resolution by States

All contests arising in any state electing district delegates by district conventions shall be decided by its state convention or, if the state convention shall not meet prior to the national convention, then by its state committee. Only contests affecting delegates elected at large shall be presented to the Republican National Committee; provided, however, if the contest regarding a district delegate arises out of the irregular or unlawful action of the state committee or state convention, the Republican National Committee may take jurisdiction thereof and hear and determine the same under the procedures provided in Rules No. 22 and No. 23.

Rule No. 21

Temporary Roll

(a) The names of the delegates and alternate delegates presenting certificates of election from the officials designated in

Rule No. 19 shall be placed upon the temporary roll of the national convention by the Republican National Committee.
(b) No person on the temporary roll of the national convention and whose right to be seated as a delegate or alternate delegate is being contested shall be entitled to vote in the national convention or in any committee thereof until by vote of the national convention the contest as to such person has been finally decided and such person has been permanently seated, except that any such person may be accorded the right to so vote, except in matters involving the credentials of that person, by an affirmative vote of a majority of the members of the Republican National Committee or the Committee on Credentials.

Rule No. 22

Contest Filing
(a) Notices of contests shall state the grounds of the contest and shall be filed, no later than thirty (30) days before the time set for the meeting of the national convention, with the secretary of the Republican National Committee and shall be sent, simultaneously, by registered mail to the person or persons being contested, except in the case of delegates or alternate delegates elected at a time or times in accordance with applicable state law rendering impossible the filing of the notice of contest within the time above specified.
(b) Notices of contests may be filed only by a resident of the state whose delegation is challenged who was eligible to participate at any level in the delegate selection process of that state.
(c) Only contests that are timely filed under these rules shall be considered.
(d) For purposes of the rules relating to contests and credentials, the term "party" shall mean a person or persons who shall have filed a notice of contest pursuant to this Rule No. 22, and the person or persons whose right to be seated as a delegate or alternate delegate is the subject of such notice of contest.

Rule No. 23

Contest Procedure
(a) The Committee on Contests shall have the power to adopt procedural rules, not inconsistent with these rules, which shall govern the expeditious resolution of contests before the Committee on Contests. When any deadline set out in this rule falls on a Sunday or legal holiday, such deadline shall be extended to the following day.
(b) No later than twenty-two (22) days before the convening of the national convention (or, in the case of delegates or alternate delegates elected at a time or times in accordance with applicable state law rendering impossible compliance with this requirement, within five (5) days after such election), each of the parties shall file with the secretary of the Republican National Committee at least three (3) printed or typewritten copies of the statement of position in support of the party's claim to sit as delegates or alternate delegates to

the national convention together with such affidavits or other evidence as desired. The secretary of the Republican National Committee, upon receiving the statement of position of a party, shall furnish the opposing party a copy of said statement of position. Each statement of position shall begin with a summary of not more than one thousand (1,000) words setting forth succinctly a synopsis of the statement of position and a specific statement of the points relied upon.
(c) The Committee on Contests shall promptly hear the matter; decide which issues are involved, either of law or fact, or both; decide upon its recommendation for resolution of such issues; and submit such issues and its recommendations for resolution to the Republican National Committee. The issues so submitted by the Committee on Contests shall be the sole issues passed upon and determined by the Republican National Committee unless the Republican National Committee shall, by a majority vote, extend or change the same. If the Committee on Contests for any reason shall fail to state the issues either of law or fact, the Republican National Committee shall decide upon what issues the contest shall be tried, and the hearing shall be limited to such issues unless the Republican National Committee, by a majority vote, shall decide otherwise.
(d) The Committee on Contests shall make up a report of each contest filed, showing the grounds of contest; the statute and rule, if any, under which the contest is waged; and the contentions of each party thereto. The report shall conclude with a statement of the points of issue in the contest, both of fact and law, and a statement of the recommendation of the Committee on Contests as to resolution of such points of issue, and shall be signed by the chairman or his designee. When the Committee on Contests has prepared such report stating the issues of law and fact, a copy of the statement of such issues shall be submitted forthwith to a person in the convention city, whom the parties must appoint at the time of filing the contest to receive such statement, and a copy shall be served forthwith by the chairman of the Committee on Contests upon the parties by the most expeditious method available, providing for written evidence of receipt including, but not limited to, overnight delivery service.
(e) The parties shall have eight (8) days to file written objections to the Committee on Contests' statement of the issues of fact or law, or both, unless the Republican National Committee is called to act upon the contest sooner, in which case such objections shall be made before the meeting of the whole committee. If the parties reside in American Samoa, Guam, Alaska, Hawaii, Puerto Rico, or the Virgin Islands, they shall be entitled to ten (10) days to file written objections. The objections shall contain any additional statement of issues of either law or fact, or both, claimed by the party submitting the same to be involved in and necessary to be decided in the contest.
(f) When the Republican National Committee is called to pass upon any contest that may arise, the members of the Committee on Credentials shall also be notified of the time and place of such meeting and shall have the right to attend

all hearings of all contests but without the right to participate in the discussion or the vote.

Rule No. 24

Convention Committee on Credentials
(a) When the national convention shall have assembled, the secretary of the Republican National Committee shall deliver to the Committee on Credentials all credentials and other papers forwarded under Rule No. 19(c).
(b) An appeal may be taken to the Committee on Credentials from any ruling of the Republican National Committee on any contest, by and only by a party to such contest in the proceedings conducted pursuant to Rules No. 22 and No. 23; provided, however, that notice of such appeal must be filed with the secretary of the Republican National Committee within twenty-four (24) hours after the decision, that such notice shall specify the grounds upon which the appeal is taken, and that only the grounds so specified shall be heard by the Committee on Credentials upon such appeal. No evidence other than that taken before the Republican National Committee shall be taken up by the Committee on Credentials unless it shall, by a majority vote of its members present and voting, so direct.
(c) No issue involving the status of one or more delegates or alternate delegates or any contest relating thereto may originate before the Committee on Credentials of the national convention. All contests must first be presented to the Committee on Contests of the Republican National Committee or to the whole Republican National Committee in the manner provided in Rule 18(b).
(d) No motion with respect to delegates or alternate delegates from more than one (1) state or territory shall be in order before the Committee on Credentials.

PROCEEDINGS OF NATIONAL CONVENTION

Temporary Rules

Rule No. 25

Order of Business
The convention shall proceed in the order of business prepared and printed by the Republican National Committee.

Rule No. 26

Committee Reports
(a) The report of the Committee on Credentials shall be disposed of before the report of the Committee on Rules and Order of Business is acted upon; the report of the Committee on Rules and Order of Business shall be disposed of before the report of the Committee on Resolutions is acted upon; and the report of the Committee on Resolutions shall be disposed of before the convention proceeds to the nomination of

candidates for President of the United States and Vice President of the United States.
(b) The report of any such committee listed in Rule No. 26(a) shall be considered as read if made available to the delegates prior to its consideration.

Rule No. 27

Definition of "States"
Whenever used in these rules, "state" or "states" shall be taken to include American Samoa, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands, except in Rule No. 13 and unless the context in which the word "state" or "states" is used clearly makes such inclusion inappropriate.

Rule No. 28

Admission to Convention Hall
(a) No person except members of the several delegations, officers of the convention, members of the Republican National Committee and incumbent Republican governors, incumbent Republican United States Senators, and incumbent Republican members of the United States House of Representatives, shall be admitted to the section of the convention hall restricted to delegates.
(b) Press and staff shall be admitted to the section(s) of the hall authorized for them.
(c) The chairman of the Republican National Committee shall insure that guest passes to the convention are distributed in an equitable fashion. Each delegate and alternate delegate to the convention shall receive at least one guest pass to each session of the convention.
(d) Each state, through its Republican National Committee members, shall be allocated full sets of additional guest passes equal to thirty-three percent (33%) of the total number of delegate and alternate delegate membership for that state, rounded to the next whole number.

Rule No. 29

Voting
(a) Each delegate to the convention shall be entitled to one (1) vote, which may be cast by an alternate delegate in the absence of the delegate, and an individual holding more than one (1) of the following positions: national committeeman; national committeewoman; or state chairman of any state, shall not be entitled to more than one (1) delegate seat and shall not be entitled to more than one (1) vote.
(b) In the absence of any delegate at large or any delegate from any congressional district, the roll of alternate delegates for the state or district shall be called in the order in which the names are placed upon the roll of the convention, unless the law governing the state or district electing the absent delegate, the state or district convention, or the Republican state committee or governing committee shall otherwise

provide, or the delegation shall otherwise direct at the time of certification, in which event the alternate delegates from the state or district shall vote in the order established pursuant to the foregoing, as set forth in the delegation's certification. The form of certificate provided by the Republican National Committee shall provide a means by which an order for voting by alternate delegates may be specified.

Rule No. 30

Rules of Order
The Rules of the House of Representatives of the United States shall be the rules of the convention, except that the current authorized edition of Robert's Rules of Order: Newly Revised ("Robert's Rules of Order"), shall be the rules for committees and subcommittees of the convention, insofar as they are applicable and not inconsistent with the rules herein set forth; provided, however, that the convention may adopt its own rules concerning the reading of committee reports and resolutions.

Rule No. 31

Length of Debate
No delegate shall speak more than once or longer than five (5) minutes upon the same question, unless by leave of the convention, except in the presentation of the name of a candidate for nomination for President of the United States or Vice President of the United States.

Rule No. 32

Suspension of Rules
A motion to suspend the rules shall always be in order, but only when made by authority of a majority of the delegates from any state and seconded by a majority of the delegates from each of five (5) or more other states severally.

Rule No. 33

Platform Resolutions
All proposed resolutions relating to the platform shall be submitted in writing to the Committee on Resolutions without reading and without debate.

Rule No. 34

Minority Reports; Amendments
(a) No resolution or amendment pertaining to the report of the Committee on Resolutions or the Committee on Rules and Order of Business shall be reported out or made a part of any report of such committee or otherwise read or debated before the convention, unless the same shall have been submitted to the chairman, vice chairman, or secretary of such committee or to the secretary of the convention in writing not later than one hour after the time at which such com-

mittee votes on its report to the convention and shall have been accompanied by a petition evidencing the affirmative written support of a minimum of twenty-five percent (25%) of the membership of such committee.
(b) No amendment pertaining to the report of the Committee on Credentials affecting delegates or alternate delegates from more than one (1) state shall be in order.

Rule No. 35

Motion to Table
It shall be in order to lay on the table a proposed amendment to a pending measure and such motion, if adopted, shall not carry with it or prejudice such original measure.

Rule No. 36

Previous Question
When the previous question shall be demanded by a majority of the delegates from any state, and the demand is likewise seconded by a majority of delegates from each of two (2) or more other states severally, and the call is sustained by a majority of the delegates to the convention, the question shall then be proceeded with and disposed of according to the Rules of the House of Representatives of the United States in similar cases.

Rule No. 37

Roll Call
(a) Upon all subjects before the convention requiring a roll call, the states shall be called in alphabetical order.
(b) In the balloting, the vote of each state shall be announced by the chairman of such state's delegation, or his or her designee; and in case the vote of any state shall be divided, the chairman shall announce the number of votes for each candidate, or for or against any proposition; but if exception is taken by any delegate from that state to the correctness of such announcement by the chairman of that delegation, the chairman of the convention shall direct the roll of members of such delegation to be called, and the result shall be recorded in accordance with the vote of the several delegates in such delegation.
(c) In balloting, if any delegation shall pass when its name is called, then at the conclusion of the roll call all delegations which passed shall be called in the order herein before established. No delegation shall be allowed to change its vote until all delegations which passed shall have been given a second opportunity to vote.
(d) Except in a roll call for nomination for President of the United States and Vice President of the United States, or where the majority of delegates of fifteen (15) or more states severally have requested that a roll call be conducted by voice call of the roll, the chairman of the convention may order that the balloting on any subject placed before the convention requiring a roll call be conducted by electronic, tele-

phonic or computer device which will display votes to the convention simultaneously. Each delegation chairman shall record and tally any such votes of the delegation on official roll call tally sheets provided by the secretary of the convention, showing the individual vote of the delegates, and file such tally sheets with the secretary of the convention not more than thirty (30) minutes after the completion of the roll call vote.

Rule No. 38

Unit Rule
No delegate or alternate delegate shall be bound by any attempt of any state or congressional district to impose the unit rule.

Rule No. 39

Record Vote
If a majority of the delegates of any six (6) states severally shall demand a roll call vote, the same shall be taken of the states in the order hereinbefore established.

Rule No. 40

Nominations
(a) In making the nominations for President of the United States and Vice President of the United States and voting thereon, the roll of the states shall be called separately in each case; provided, however, that if there is only one candidate for nomination for Vice President of the United States who has demonstrated the support required by paragraph (b) of this rule, a motion to nominate for such office by acclamation shall be in order and no calling of the roll with respect to such office shall be required.
(b) Each candidate for nomination for President of the United States and Vice President of the United States shall demonstrate the support of a majority of the delegates from each of five (5) or more states, severally, prior to the presentation of the name of that candidate for nomination.
(c) The total time of the nominating speech and seconding speeches for any candidate for nomination for President of the United States or Vice President of the United States shall not exceed fifteen (15) minutes.
(d) When at the close of a roll call any candidate for nomination for President of the United States or Vice President of the United States has received a majority of the votes entitled to be cast in the convention, the chairman of the convention shall declare that the candidate has been nominated.
(e) If no candidate shall have received such majority, the chairman of the convention shall direct the roll of the states be called again and shall repeat the calling of the roll until a candidate shall have received a majority of the votes entitled to be cast in the convention.
(f) For the 2004 Republican National Convention, notwithstanding any other provision of these rules or any Rule of

the House of Representatives, it shall be in the discretion of the Chair to suspend the roll call conducted to nominate the candidate for President of the United States at any time in order to conduct other Convention business under the established order of business.

Rule No. 41

Convention Committees

(a) The delegates elected to the convention from each state, promptly once all such delegates are elected, shall elect from the delegation a delegation chairman and their members of the Committees on Resolutions, Credentials, Rules and Order of Business, and Permanent Organization of the convention, consisting of one (1) man and one (1) woman for each committee, and shall file notice of such selection with the secretary of the Republican National Committee; provided, however, that no delegate may serve on more than one (1) committee of the convention. Alternate delegates may not serve as delegation chairmen or as members of the convention committees, except when the number of delegates attending the convention is less than the number of committee positions to be filled, then an alternate delegate can serve, except as noted above.

(b) Committees and subcommittees may set time limits for speaking on any question by a simple majority vote; provided, however, that not less than twenty (20) minutes, equally divided between proponents and opponents on any question, shall be allowed in any case on any debatable motion, order, or appeal.

(c) Upon request of twenty percent (20%) of the members of a committee or subcommittee of the convention, a vote shall be recorded in the manner provided by these rules, and no votes in the committees or subcommittees of the convention shall be taken by secret ballot.

(d) No later than twenty-five (25) days prior to the national convention, members of the Committee on Rules and Order of Business and members of the Republican National Committee shall be provided a copy of the existing Rules of the Republican Party along with all recommended changes to those rules approved as of that date by the Standing Committee on Rules of the Republican National Committee since the previous national convention. Any changes shall be prominently noted. A letter shall be attached to the document stating that all proposed rules are still subject to change prior to the meeting of the Committee on Rules and Order of Business. After this information is provided, any additional recommendations regarding changes in the Rules of the Republican Party approved by the Republican National Committee shall be provided to the members of the Committee on Rules and Order of Business as soon as practicable.

(e) No later than 25 days prior to the National Convention, all members of each of the various convention committees shall be provided the most current listing of their fellow committee members, with complete contact information.

Rule No. 42

Temporary Rules
Rules No. 25 through No. 42 shall be the temporary rules of the next national convention and its committees and subcommittees.

PROMULGATION OF CALL
The Secretary of the Republican National Committee is hereby directed to promulgate this Call by sending a copy thereof to the Republican National Committeeman, Republican National Committeewoman, Chairman of the Republican State Central Committee or Governing Committee of the Republican Party in each state, and by sending to the Republican National Committee member senior in point of service for each state an additional copy of this Call, which copy shall be forwarded by said member to the secretary of the Republican State Central Committee or Governing Committee of the Republican Party in said member's state. The effective date of issuance of this call shall be November 9, 2007.

APPORTIONMENT OF DELEGATES
The apportionment of delegates to the Republican National Convention is made in accordance with Rule No. 13, Rule No. 15, and Rule No. 16 of The Rules of the Republican Party as adopted by the Republican National Convention at New York, New York on August 30, 2004.
Rule No. 13 establishes the Membership of the national convention stipulating the formula to determine the number of delegates and alternates to be allocated to each state subject to the provisions of Rule No. 16.
Rule No. 15(b) and Rule No. 19(a) establish the window during which delegates and alternates to the national convention must be elected/allocated as no earlier than the first Tuesday of February in the year in which the national convention is held and no later than thirty-five (35) days before the beginning of the national convention (February 5, 2008–July 28, 2008).
Rule No. 16(b) establishes the penalty for any State that violates the timing window for the selection and/or allocation of national convention delegates, which is a 50% reduction in the total number of delegates and alternates otherwise allocated to that state under Rule No. 13 if that process is certified to the Republican National Committee prior to the issuance of the Call. Any reduction in the number of delegates and alternates allocated to a state based on assessing a Rule No. 16 penalty is reflected in this Call.
After the Republican National Committee members are excluded from being part of the offending State's delegation to the national convention as required by Rule No. 16(e)(1), the State Party of any penalized State shall determine which delegates and alternate delegates are entitled to serve as part of the State's reduced delegation to the national convention, per Rule No. 16(e)(2).
If a State attempts to credential more delegates and alternate delegates than authorized under this Call, an automatic contest shall be deemed to exist under Rule No. 18(b). At

such time, the Republican National Committee has the authority to decide, per Rule No. 18(b), which of those delegates and alternate delegates reported by the State shall be placed upon the temporary roll of the national convention. In order to fairly and equitably implement this authority, if necessary, the Republican National Committee shall eliminate one delegate and one alternate delegate from each of the State's Congressional Districts and the remainder from the State's At-Large total in order to ensure compliance with that State's delegate/alternate delegate totals as authorized in this Call. This determination shall be in addition to eliminating the three National Committee members from that State, as required under Rule No. 16.

Based upon the delegate allocation formula listed in Rule No. 13, along with the enforcement provisions of Rule Nos. 15 and 16, the apportionment of delegates to the 2008 Republican National Convention is as follows:

Alabama	3 RNC Delegates; 24 Delegates at Large; 3 Delegates from each Congressional District (21) Total Delegates: 48 Total Alternate Delegates: 45
Alaska	3 RNC Delegates; 23 Delegates at Large; 3 Delegates from each Congressional District (3) Total Delegates: 29 Total Alternate Delegates: 26
American Samoa	3 RNC Delegates; 6 Delegates at Large; 0 Congressional District Delegates Total Delegates: 9 Total Alternate Delegates: 6
Arizona	3 RNC Delegates; 26 Delegates at Large; 3 Delegates from each Congressional District (24) Total Delegates: 53 Total Alternate Delegates: 50
Arkansas	3 RNC Delegates; 19 Delegates at Large; 3 Delegates from each Congressional District (12) Total Delegates: 34 Total Alternate Delegates: 31
California	3 RNC Delegates; 11 Delegates at Large; 3 Delegates from each Congressional District (159) Total Delegates: 173 Total Alternate Delegates: 170
Colorado	3 RNC Delegates; 22 Delegates at Large; 3 Delegates from each Congressional District (21) Total Delegates: 46 Total Alternate Delegates: 43
Connecticut	3 RNC Delegates; 12 Delegates at Large; 3 Delegates from each Congressional District (15) Total Delegates: 30 Total Alternate Delegates: 27
Delaware	3 RNC Delegates; 12 Delegates at Large; 3 Delegates from each Congressional District (3) Total Delegates: 18 Total Alternate Delegates: 15
District of Columbia	3 RNC Delegates; 16 Delegates at Large; 0 Congressional District Delegates Total Delegates: 19 Total Alternate Delegates: 16
Florida	3 RNC Delegates; 36 Delegates at Large; 3 Delegates from each Congressional District (75) Rule No. 13 Delegate Allocation: 114 Deduct RNC Members As Delegates: −3 Deduct Rule No. 16 Penalty of 50%: −54 Total Delegates: 57 Total Alternate Delegates: 57

Georgia	3 RNC Delegates; 30 Delegates at Large; 3 Delegates from each Congressional District (39) Total Delegates: 72 Total Alternate Delegates: 69
Guam	3 RNC Delegates; 6 Delegates at Large; 0 Congressional District Delegates Total Delegates: 9 Total Alternate Delegates: 6
Hawaii	3 RNC Delegates; 11 Delegates at Large; 3 Delegates from each Congressional District (6) Total Delegates: 20 Total Alternate Delegates: 17
Idaho	3 RNC Delegates; 23 Delegates at Large; 3 Delegates from each Congressional District (6) Total Delegates: 32 Total Alternate Delegates: 29
Illinois	3 RNC Delegates; 10 Delegates at Large; 3 Delegates from each Congressional District (57) Total Delegates: 70 Total Alternate Delegates: 67
Indiana	3 RNC Delegates; 27 Delegates at Large; 3 Delegates from each Congressional District (27) Total Delegates: 57 Total Alternate Delegates: 54
Iowa	3 RNC Delegates; 22 Delegates at Large; 3 Delegates from each Congressional District (15) Total Delegates: 40 Total Alternate Delegates: 37
Kansas	3 RNC Delegates; 24 Delegates at Large; 3 Delegates from each Congressional District (12) Total Delegates: 39 Total Alternate Delegates: 36
Kentucky	3 RNC Delegates; 24 Delegates at Large; 3 Delegates from each Congressional District (18) Total Delegates: 45 Total Alternate Delegates: 42
Louisiana	3 RNC Delegates; 23 Delegates at Large; 3 Delegates from each Congressional District (21) Total Delegates: 47 Total Alternate Delegates: 44
Maine	3 RNC Delegates; 12 Delegates at Large; 3 Delegates from each Congressional District (6) Total Delegates: 21 Total Alternate Delegates: 18
Maryland	3 RNC Delegates; 10 Delegates at Large; 3 Delegates from each Congressional District (24) Total Delegates: 37 Total Alternate Delegates: 34
Massachusetts	3 RNC Delegates; 10 Delegates at Large; 3 Delegates from each Congressional District (30) Total Delegates: 43 Total Alternate Delegates: 40
Michigan	3 RNC Delegates; 12 Delegates at Large: 3 Delegates from each Congressional District (45) Rule No. 13 Delegate Allocation: 60 Deduct RNC Members As Delegates: −3 Deduct Rule No. 16 Penalty of 50%: −27 Total Delegates: 30 Total Alternate Delegates: 30
Minnesota	3 RNC Delegates; 14 Delegates at Large; 3 Delegates from each Congressional District (24) Total Delegates: 41 Total Alternate Delegates: 38
Mississippi	3 RNC Delegates; 24 Delegates at Large; 3 Delegates from each Congressional District (12) Total Delegates: 39 Total Alternate Delegates: 36
Missouri	3 RNC Delegates; 28 Delegates at Large; 3 Delegates from each Congressional District (27) Total Delegates: 58 Total Alternate Delegates: 55

Montana	3 RNC Delegates; 19 Delegates at Large; 3 Delegates from each Congressional District (3) Total Delegates: 25 Total Alternate Delegates: 22
Nebraska	3 RNC Delegates; 21 Delegates at Large; 3 Delegates from each Congressional District (9) Total Delegates: 33 Total Alternate Delegates: 30
Nevada	3 RNC Delegates; 22 Delegates at Large; 3 Delegates from each Congressional District (9) Total Delegates: 34 Total Alternate Delegates: 31
New Hampshire	3 RNC Delegates; 15 Delegates at Large; 3 Delegates from each Congressional District (6) Rule No. 13 Delegate Allocation: 24 Deduct RNC Members As Delegates: −3 Deduct Rule No. 16 Penalty of 50%: −9 Total Delegates: 12 Total Alternate Delegates: 12
New Jersey	3 RNC Delegates; 10 Delegates at Large; 3 Delegates from each Congressional District (39) Total Delegates: 52 Total Alternate Delegates: 49
New Mexico	3 RNC Delegates; 20 Delegates at Large; 3 Delegates from each Congressional District (9) Total Delegates: 32 Total Alternate Delegates: 29
New York	3 RNC Delegates; 11 Delegates at Large; 3 Delegates from each Congressional District (87) Total Delegates: 101 Total Alternate Delegates: 98
No. Mariana Islands	3 RNC Delegates; 6 Delegates at Large; 0 Congressional District Delegates Total Delegates: 9 Total Alternate Delegates: 6
North Carolina	3 RNC Delegates; 27 Delegates at Large; 3 Delegates from each Congressional District (39) Total Delegates: 69 Total Alternate Delegates: 66
North Dakota	3 RNC Delegates; 20 Delegates at Large; 3 Delegates from each Congressional District (3) Total Delegates: 26 Total Alternate Delegates: 23
Ohio	3 RNC Delegates; 31 Delegates at Large; 3 Delegates from each Congressional District (54) Total Delegates: 88 Total Alternate Delegates: 85
Oklahoma	3 RNC Delegates; 23 Delegates at Large; 3 Delegates from each Congressional District (15) Total Delegates: 41 Total Alternate Delegates: 38
Oregon	3 RNC Delegates; 12 Delegates at Large; 3 Delegates from each Congressional District (15) Total Delegates: 30 Total Alternate Delegates: 27
Pennsylvania	3 RNC Delegates; 14 Delegates at Large; 3 Delegates from each Congressional District (57) Total Delegates: 74 Total Alternate Delegates: 71
Puerto Rico	3 RNC Delegates; 20 Delegates at Large; 0 Congressional District Delegates Total Delegates: 23 Total Alternate Delegates: 20
Rhode Island	3 RNC Delegates; 11 Delegates at Large; 3 Delegates from each Congressional District (6) Total Delegates: 20 Total Alternate Delegates: 17
South Carolina	3 RNC Delegates; 26 Delegates at Large; 3 Delegates from each Congressional District (18) Rule No. 13 Delegate Allocation: 47 Deduct RNC Members As Delegates: −3

	Deduct Rule No. 16 Penalty of 50%: −20.5 Total Delegates: 23.5 (rounded up to 24) Total Alternate Delegates: 23.5 (rounded up to 24)
South Dakota	3 RNC Delegates; 21 Delegates at Large; 3 Delegates from each Congressional District (3) Total Delegates: 27 Total Alternate Delegates: 24
Tennessee	3 RNC Delegates; 25 Delegates at Large; 3 Delegates from each Congressional District (27) Total Delegates: 55 Total Alternate Delegates: 52
Texas	3 RNC Delegates; 41 Delegates at Large; 3 Delegates from each Congressional District (96) Total Delegates: 140 Total Alternate Delegates: 137
U.S. Virgin Islands	3 RNC Delegates; 6 Delegates at Large; 0 Congressional District Delegates Total Delegates: 9 Total Alternate Delegates: 6
Utah	3 RNC Delegates; 24 Delegates at Large; 3 Delegates from each Congressional District (9) Total Delegates: 36 Total Alternate Delegates: 33
Vermont	3 RNC Delegates; 11 Delegates at Large; 3 Delegates from each Congressional District (3) Total Delegates: 17 Total Alternate Delegates: 14
Virginia	3 RNC Delegates; 27 Delegates at Large; 3 Delegates from each Congressional District (33) Total Delegates: 63 Total Alternate Delegates: 60
Washington	3 RNC Delegates; 10 Delegates at Large; 3 Delegates from each Congressional District (27) Total Delegates: 40 Total Alternate Delegates: 37
West Virginia	3 RNC Delegates; 18 Delegates at Large; 3 Delegates from each Congressional District (9) Total Delegates: 30 Total Alternate Delegates: 27
Wisconsin	3 RNC Delegates; 13 Delegates at Large; 3 Delegates from each Congressional District (24) Total Delegates: 40 Total Alternate Delegates: 37
Wyoming	3 RNC Delegates; 22 Delegates at Large; 3 Delegates from each Congressional District (3) Rule No. 13 Delegate Allocation: 28 Deduct RNC Members As Delegates: −3 Deduct Rule No. 16 Penalty of 50%: −11 Total Delegates: 14 Total Alternate Delegates: 14 Total Number of Delegates: −2,380

Sara Gear Boyd, Secretary
Robert M. "Mike" Duncan, Chairman

PART III. SURVEY OF STATE LAWS, PARTY RULES, REGULATING THE SELECTION OF DELEGATES TO THE NATIONAL NOMINATING CONVENTIONS

A. Delegate Selection for the States

ALABAMA

Delegates to National Conventions:
Democratic: 60
Republican: 48

A. MANNER OF SELECTION

Political parties may provide for the selection of delegates to national conventions by the holding of a presidential preference primary or by popular election of the delegates or otherwise. In the event a presidential preference primary is called by the governing body of any party, notice of such action shall be given to the Secretary of State as part of the notice required by Section 17–13–46. The notice shall prescribe the procedure for the listing of the names of presidential candidates on the primary ballot and for the selection of delegates pledged under party rules to vote for the respective presidential candidates. A presidential preference primary, when called, shall appear in the first or top position on the primary ballot. When no presidential preference primary is to be utilized, delegates may be elected in the primary election in the same manner as other party officers, except that subject to such rules and procedures as the respective political parties may adopt, any delegate candidate may be permitted to list opposite his or her name on the primary ballot the surname of the presidential candidate to whom he or she is pledged or the word "uncommitted." When delegates are to be so elected, the candidates for such position or positions shall appear in the first or top position on the primary ballot (§ 17–13–43, Code of Alabama).

When the governing body of any political party desires to enter the primary election ordered to be held under this chapter, the governing body for the state shall give public notice thereof by filing a copy of the resolution of such governing body with the Secretary of State of Alabama. Such notice may be given to the Secretary of State by the chairman of the county executive committee where the primary election affects only one county, and a copy of such notice shall be filed with the judge of probate of such county. (§ 17–13–46).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary shall be held on the first Tuesday in February each year in which a President is to be elected beginning in the year 2008 (February 5, 2008) (§§ 17–13–100 and 17–133). The Alabama presidential primary is

an open type of primary. Any registered voter can vote for one person of one party.

A petition or petitions in support of a presidential candidacy must be filed with the state party chairperson of the appropriate political party. The petition or petitions must be signed by a total of not less than 500 qualified electors of the state or by not less than 50 qualified electors in each congressional district in which there shall be a separate petition to be signed. The candidate filing is required 90 days prior to the presidential preference primary election (§ 17–13–102). Each candidate upon filing his qualifying petition shall pay a filing fee that is prescribed by his political party (§ 17–13–103). Whenever the chairman shall receive petitions, timely filed, which appear to qualify the name of a candidate for President to be placed on the ballot, he or she shall forthwith notify the prospective candidate by the most expeditious means of communication and shall advise such prospective candidate that unless the candidate withdraws his or her name from the ballot no later than 60 days before the primary, it will appear on the ballot of the party at such presidential preference primary. If a candidate signifies the desire to withdraw his or her name within the above time limit, it shall not be printed on the ballot (§§ 17–13–104, 17–13–105).

C. STATUTORY INSTRUCTIONS

None. (Party resolution and rules provide appropriate instructions to delegates.)

ALASKA

Delegates to National Conventions:
Democratic: 18
Republican: 29

A. MANNER OF SELECTION

Delegates to the national conventions of the respective political parties are selected at the state conventions of the parties according to party rules.

B. PRESIDENTIAL PREFERENCE PRIMARY

The State of Alaska repealed its presidential preference primary statute in 1984.

C. STATUTORY INSTRUCTIONS

None.

ARIZONA

Delegates to National Conventions:
Democratic: 67
Republican: 53

A. MANNER OF SELECTION

The selection of delegates to the political party national conventions shall be as provided in the bylaws of each state party (Arizona Revised Statutes § 16–243(A)).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on the fourth Tuesday in February in the year in which a President is to be elected (February 19, 2008), unless the Governor issues a proclamation that the presidential preference election is to be held earlier. Such proclamation for an earlier date must be issued no later than 150 days before the date of the earlier preference election (Arizona Revised Statutes, § 16–241(A),(B)).

To be eligible to participate in the presidential preference election, a political party must be entitled to continued representation on the state ballot pursuant to § 16–804 of the Arizona Revised Statutes, that is, a party whose candidate for presidential electors received in the last election not less than 5% of the votes cast (§§ 16–244(A)(1), 16–804). Additionally, the Secretary of State may determine that a party is eligible for continued recognition, notwithstanding its showing in the previous election, if on October 1 of the year immediately preceding the presidential preference primary, the party has registered voters equal to at least two-thirds of one percent of the total number of registered voters in the state (§ 16–244(B)). A new political party may participate when it becomes eligible for recognition under Arizona Revised Statutes § 16–801 (by filing a petition signed by qualified electors equal to not less than one and one-third per cent of the total votes cast for presidential electors at the last preceding general election) (§ 16–244(A)(2)). Such petition must be filed with the Secretary of State no later than 115 days prior to the presidential preference election.

A candidate for nomination as a party's candidate for the office of President must file with the secretary of state a nomination paper not less than 40 days nor more than 70 days before the presidential preference election and not later than 5:00 p.m. on the last day for filing (§ 16–242).

C. STATUTORY INSTRUCTIONS

Delegates at the party's convention shall use their "best efforts" for the party's presidential nominee candidate who received the largest number of votes in the state preference primary until a candidate is nominated, the candidate releases the delegate from obligation, the candidate withdraws from the race, or at least one ballot has been taken at the convention (§ 16–243(B)).

ARKANSAS

Delegates to National Conventions:
Democratic: 47
Republican: 34

A. MANNER OF SELECTION

Each political party in the state desiring to select delegates to attend a quadrennial national nominating convention of the party to select a nominee for the office of President of the United States shall hold a presidential preferential primary election in the state, and the delegates to the national party convention shall be apportioned to the presidential candidates whose names were on the ballot at the presidential

preference primary or to "uncommitted" in the proportion that the votes cast for each candidate or for "uncommitted" bear to the total votes cast at the election, rounded to the closest whole number (Arkansas Statutes Annotated, § 7–8–201).

B. PRESIDENTIAL PREFERENCE PRIMARY
Presidential preferential primary elections shall be held on the first Tuesday in February of the year in which the convention is held (February 5, 2008). Any person desiring his or her name on the presidential preferential primary ballot as a candidate for his or her party's nomination shall file a party certificate with the Secretary of State beginning at 12:00 noon on the first Monday in November and ending at 12:00 noon on the fourteenth day thereafter before the presidential primary election. The presidential primary is an open type of primary. The delegates to the national conventions shall be apportioned to the votes cast for the presidential candidates (§ 7–8–201).

C. STATUTORY INSTRUCTIONS
Delegates are apportioned to the votes cast for the presidential candidate. § 7–8–201.

CALIFORNIA
Delegates to National Conventions:
Democratic: 441
Republican: 173

A. MANNER OF SELECTION
Delegates to national conventions of the political parties are selected at the Presidential primary. The Chair of the State party committee notifies the Secretary of State as to the number of delegates to represent the state in the convention. The Democratic, Republican, American Independent, and Peace and Freedom Parties have procedures and rules as to delegate selection codified in detail in the California Election Code, Division 6, §§ 6000–6849. The Secretary of State places the name of a candidate on the presidential primary ballot when he determines the candidate is generally advocated or recognized throughout the United States or California as actively seeking the nomination of the party. After notification, the Secretary of State may add names to the ballot, but may not take off names unless the candidate signs a timely affidavit of non-candidacy. An unselected candidate may be nominated by petition by a certain percentage of the registered voters of that party. Newly qualified political parties shall conduct their primary elections in accordance with procedures of any other political party that has a detailed statutory provision. (§ 5006)
A new political party will be qualified to participate in a primary election when (1) it received at least 2 percent of the vote for any of its candidates statewide in the preceding gubernatorial election; (2) when it appears to the Secretary of State that the party's registration equals at least 1 percent of the entire vote of the State in the last gubernatorial elec-

tion, or (3) by petition by at least 10 percent of the entire vote of the State in the last gubernatorial election (§ 5100).

B. PRESIDENTIAL PREFERENCE PRIMARY

The presidential primary shall be held on the first Tuesday in February in any year evenly divisible by the number four (February 5, 2008). (§ 1202)

C. STATUTORY INSTRUCTIONS

Republicans:

Each delegate to the Republican National Convention shall use his best efforts at the convention for the party's presidential nominee candidate from California to whom the delegate has pledged support until such person is nominated for President, receives less than 10 percent of the votes for nomination, releases the delegate from his obligation, or until two convention nominating ballots have been taken. Thereafter, each delegate shall be free to vote as he chooses, and no rule may be adopted by a delegation requiring the delegation to vote as a body or causing the vote of any delegate to go uncounted or unreported (§ 6461(c)).

COLORADO

Delegates to National Conventions:
Democratic: 71
Republican: 46

A. MANNER OF SELECTION

Minor parties must set out in their constitution or bylaws a method for nominating candidates and selecting delegates to conventions (Colorado Revised Statutes § 1–4–1301). Minor parties may nominate candidates by petition signed by at least ten thousand registered electors submitted to the secretary of state no later than March 1 of the election year for which the minor political party seeks to qualify.

B. PRESIDENTIAL PREFERENCE PRIMARY

The State of Colorado repealed its presidential preference primary statute in 2003.

C. STATUTORY INSTRUCTIONS

None.

CONNECTICUT

Delegates to National Conventions:
Democratic: 61
Republican: 30

A. MANNER OF SELECTION

National convention delegates and alternates are selected in accordance with party rules. Political parties may hold caucuses for the selection of delegates prior to the day of the presidential primary (Connecticut General Statutes Annotated, § 9–486). Not later than the 14th day before the day of the primary, the chairman of each party shall certify in writing to the Secretary the number of delegates to which

such party is entitled pursuant to its rules. If such rules provide that such delegates are to be chosen from districts, the chairman shall also certify the number of delegates allocated to each district and the number to be selected at large, if any. If such rules prescribe a formula for the allocation of delegates to candidates based upon the percentages of the total votes cast for such candidates at the primary, the chairman shall also certify such formula and all information necessary for the application of such formula to the results of the primary. The chairman shall furnish to the Secretary, upon request, a written interpretation or explanation of any application of such formula (§ 9–473).

Allocation of Delegates:
If a party's chairman has certified a formula in accordance with the provisions of section 9–473, the Secretary shall calculate the number of delegates allocated to each of such party's candidates, pursuant to such formula, except as provided in section 9–484 (§ 9–483).
If a party's chairman did not certify a formula pursuant to section 9–473, or if the application of the formula so certified requires all delegates to be allocated to the candidate receiving the greatest number of votes notwithstanding such candidate's percentage of the total votes cast for all candidates, the Secretary shall determine the number of delegates to be so allocated to each candidate of each such party in accordance with the provisions of this section (§ 9–484(a)).
Such determination shall be made separately for delegates to be selected at large and delegates to be selected from each district. Any percentage required to be determined, in accordance with the provisions of this section, shall be rounded off to the nearest one-tenth of one percent. As used in this section, "minimum percentage" means the ratio, expressed as a percentage, that the number one bears to the total number of delegates to be selected, but in no event shall such percentage exceed twenty-five percent. (§ 9–484(b)).
The Secretary shall calculate the minimum percentage, as defined in subsection (b) of this section, using the number of delegates to be selected at large and, if applicable, the number of delegates to be selected from each district respectively. Except as provided in this subsection, a candidate's percentage of the total votes cast for all candidates in the State or in a district must equal or exceed such minimum percentage in order for such candidate to be allocated any at large delegates or any delegates from such district, as the case may be. The Secretary shall determine each candidate's percentage of the total votes cast for all candidates in the State and in each district. In the event two or more candidates have received a percentage of such total votes cast equal to or greater than the minimum percentage, the Secretary shall calculate an adjusted percentage, which shall be each such candidate's percentage of the total votes cast for all such candidates, excluding the votes cast for all other candidates. The Secretary shall then calculate the product of each such candidate's adjusted percentage and the total number of delegates to be selected, rounding off such product to the nearest integer. Such product shall be the number of delegates allo-

cated to each such candidate except as hereinafter provided. (1) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be greater than the total number of delegates to be selected at large or from the district, then one delegate shall be subtracted from the number allocated to the candidate who received the greatest mathematical gain from such rounding off, and if necessary one delegate shall also be substracted from the number allocated to the candidate who received the next greatest gain, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected. (2) If the rounding off of such products to the nearest integers causes the sum of all delegates so allocated to be fewer than the total number of delegates to be selected at large or from the district, then one delegate shall be added to the number allocated to the candidate who suffered the greatest mathematical loss from such rounding off, and if necessary one delegate shall also be added to the number allocated to the candidate who suffered the next greatest such loss, and so on until the sum of all delegates allocated to candidates equals the total number of delegates to be so selected (§ 9–484(c)).

In the event one or no candidate has received a percentage of the total number of votes cast for all candidates equal to or greater than the minimum percentage, the Secretary shall calculate an adjusted percentage for each of the candidates receiving the greatest and second greatest number of votes cast for all candidates. The adjusted percentage shall be such candidate's percentage of the total number of votes cast for both such candidates, excluding the total number of votes cast for all other candidates. The Secretary shall determine the number of delegates allocated to each candidate by using the same procedure as prescribed in subsection (c) of this section (§ 9–484(d)).

Certification of Delegates; Release of Delegates:

Forthwith upon completion of the procedures prescribed by section 9–483 or 9–484, as the case may be, the Secretary shall certify to the chairman, each candidate and the national committee of the party, the number of such party's at large and district delegates allocated to each candidate in accordance with the provisions of said sections. Each party shall select a number of delegates, both at large and from each district, pursuant to its rules and in accordance with such certification, provided it shall select a number of delegates committed to support each candidate which is not less than the number so allocated to such candidate. If, prior to a party's selection of delegates, a candidate to whom one or more of such party's delegates are allocated files with the Secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates allocated to him, delegates committed to such candidate shall not be selected by such party. Forthwith upon the selection of delegates, the chairman shall certify to the Secretary the name and address of each delegate, the district from which he was selected or that he was selected at large, and the name of the candidate to whom he is committed or that he is uncom-

mitted, as the case may be. If, as a consequence of any such candidate's release of delegates, the number of delegates differs from the number so allocated in accordance with the Secretary's certification, the chairman shall include in his certification a statement to such effect and an accounting of the differences (§ 9–485(a)).
The Secretary shall forward a copy of such certification to the national committee of the party and to each candidate to whom at least one delegate is committed. If such certification indicates that the party has not complied with the provisions of this section in its selection of delegates, the Secretary shall so inform the chairman, each such candidate and the national committee of the party. If any such candidate files with the Secretary a written objection to any delegate committed to him according to the chairman's certification, the Secretary shall inform the chairman and the national committee of the party of such objection. Any dispute over the selection of delegates by a party shall be resolved in such manner as its rules may prescribe (§9–485(b)).

B. PRESIDENTIAL PREFERENCE PRIMARY
A primary is held on the first Tuesday in February of each year in which the President of the United States is to be elected (February 5, 2008). (§9–464). The presidential primary is a closed type of primary. The name of a candidate shall be placed on the ballot at a primary of a party either: (a) by direction of the Secretary of State when he determines within the time specified that the candidacy of such person for such party's nomination for president is generally and seriously advocated or recognized according to reports in the national or state news media, unless such candidate files a request to omit his name; or (b) by petition to the Secretary of State (§9–465).

1. *Candidate List:*
The secretary shall, at ten o'clock a.m. on the seventy-fourth day preceding the day of the primary, publicly announce a list of candidates whose names are to be placed on the ballot of each party at such primary pursuant to subsection (a) of section 9–465. Forthwith upon announcing such list, said secretary shall notify each such candidate, by registered mail with return receipt requested, that his name will be included on the ballot unless he files with the Secretary, not later than four o'clock p.m. of the thirty-sixth day before the primary, a written request, signed by the candidate, to the following effect: "I request that my name be omitted from the ballot at Connecticut's forthcoming . . . (name of party) presidential preference primary". The name of any candidate who files a request as provided by this section, within the time specified, shall be omitted from the ballot, but no such withdrawal shall be honored if it is received later than the time specified by his section (§9–466).

2. *Issuance of Petition:*
On or after twelve o'clock noon of the seventy-fourth day preceding the day of the primary, any person seeking the nomination of a party for president, whose name is not included

in the list of candidates announced by the Secretary pursuant to section 9–466, or any person advocating the nomination of such person, by such party, may obtain petition pages from the Secretary in the manner provided by this section. Such pages shall be in a form prescribed by the Secretary and shall conform, as nearly as may be, to the requirements for primary petition forms provided in section 9–410. Any person requesting the petition pages shall give to the Secretary, in writing, his name and address, the name and address of the candidate for whom the petition is to be circulated and the party holding the primary, and shall also file, or cause to be filed, with said Secretary a written statement, signed by such candidate, to the effect that he consents to the inclusion of his name on the primary ballot of such party. Upon completion of these requirements, the Secretary shall give to the person so requesting such petition pages a number of pages sufficient to contain at least two times the number of signatures required in accordance with the provisions of section 9–468. The Secretary shall also fill in on each petition page the name and address of the candidate, the words "nomination for president of the United States" as the designation of the office sought, and the name of the party conducting the primary (§9–467).

3. *Candidate Petition for Ballot Inclusion:*
Such petitions shall be circulated, filed with the registrars of voters, and verified by said registrars, as nearly as may be, in accordance with the provisions of sections 9–410 and 9–412. Each page of such a petition shall be filed with the registrar of voters of the party holding the primary in the town of voting residence of the signers thereof, not later than four o'clock p.m. of the forty-sixth day preceding the day of the primary; and such registrar shall verify the signatures on each such page and forward it to the secretary not later than four o'clock p.m. of the forty-second day preceding the day of the primary. If, prior to such last day for filing such pages with the registrar, such a petition was issued under section 9–467, the office or office facilities of each registrar of such party in each town shall open not later than one o'clock p.m. and remain open until at least four o'clock p.m., and each such registrar or his deputy assistant registrar shall be present therein (§ 9–468). The Secretary shall complete tabulation of the signatures on each petition not later than the thirty-sixth day preceding the day of the primary. The secretary shall place on the ballot of each party at the primary the name of each candidate whose petition has been signed by a number of enrolled members of such party equal to at least one per cent of the total number of enrolled members of such party in the state, according to the most recent enrollment records on file in the office of the Secretary. No candidate who has filed a statement of consent pursuant to the provisions of section 9–467 and whose name is placed on the ballot pursuant to the provisions of this section shall be permitted to withdraw his name from such ballot (§9–469).

4. *Order of Names on Ballot:*

The Secretary shall determine by lot, in a public ceremony held on the thirty-fifth day preceding the day of the primary, the order in which the names of the candidates will appear on the ballot of each party at such primary; provided that the category "uncommitted" shall appear last on such ballots. Notwithstanding any provision of the general statutes to the contrary, no candidate shall be designated on the ballot as the party-endorsed candidate. The names of such candidates shall appear, in the order so determined by the Secretary, in the first vertical column of the voting machine. Such column shall be designated "Nomination for President of the United States"; provided if the number of candidates is such that there is an insufficient number of places in such column, the Secretary shall determine whether the names of the candidates shall also extend, in the order so determined, to the second and succeeding columns as may be necessary, or shall appear on the first and succeeding horizontal rows as may be necessary. Such columns or rows shall be designated as hereinabove provided. Except as otherwise provided in this chapter, the form of the ballot shall be prescribed by the Secretary and shall conform, as nearly as may be, to the provisions of section 9–437 (§9–470).

C. STATUTORY INSTRUCTIONS

The Secretary shall certify to the chairman, each candidate and the national committee of the party, the number of such party's at large and district delegates allocated to each candidate in accordance with the provisions of said sections. Each party shall select a number of delegates, both at large and from each district, pursuant to its rules and in accordance with such certification, provided it shall select a number of delegates committed to support each candidate which is not less than the number so allocated to such candidate. If, prior to a party's selection of delegates, a candidate to whom one or more of such party's delegates are allocated files with the Secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates allocated to him, delegates committed to such candidate shall not be selected by such party. Forthwith upon the selection of delegates, the chairman shall certify to the Secretary the name and address of each delegate, the district from which he was selected or that he was selected at large, and the name of the candidate to whom he is committed or that he is uncommitted, as the case may be. If, as a consequence of any such candidate's release of delegates, the number of delegates differs from the number so allocated in accordance with the Secretary's certification, the chairman shall include in his certification a statement to such effect and an accounting of the differences.

The Secretary shall forward a copy of such certification to the national committee of the party and to each candidate to whom at least one delegate is committed. If such certification indicates that the party has not complied with the provisions of this section in its selection of delegates, the secretary shall so inform the chairman, each such candidate and the national committee of the party. If any such candidate files

with the Secretary a written objection to any delegate committed to him according to the chairman's certification, the secretary shall inform the chairman and the national committee of the party of such objection. Any dispute over the selection of delegates by a party shall be resolved in such manner as its rules may prescribe.

If, subsequent to the primary, a candidate to whom one or more of such party's delegates are allocated either dies or files with the Secretary a written statement, by him signed, to the effect that he has released all Connecticut delegates committed to him, the commitment of any such delegate to the candidate shall be deemed to have been released (§ 9–485).

DELAWARE

Delegates to National Conventions:
Democratic: 23
Republican: 18

A. MANNER OF SELECTION

Delegates and alternate delegates to a national convention of a political party shall be apportioned, selected and/or elected in such a manner as the rules of the party may provide. The chair of any political party shall certify and forward to the State Election Commissioner a copy of the party rules at least 30 days prior to the last day on which candidates for the President must provide notification of their candidacy. (Delaware Code Annotated—Title 15, § 3185).

B. PRESIDENTIAL PRIMARY ELECTION

Political Party Candidates

A presidential primary election for major political parties shall be conducted on the first Tuesday in February in the calendar year of a presidential election (February 5, 2008) (§ 3181(a)).

A political party may choose not to participate in a presidential primary if the party notifies the State Election Commission in writing prior to the close of business on August 1 of the year preceding any year in which the President is to be elected. (Title 15, § 3181(b)).

A candidate is eligible for the primary election if the candidate is affiliated with a party appearing on the ballot of the previous general election, and has become eligible to receive federal "matching payments," or has filed a petition with the State Election Commission with at least 500 signatures of registered voters of that party. (Title 15, § 3184).

Notification of candidacy shall be no later than December 10 in the year preceding the year in which the President of the United States is elected (Title 15, 3183(a)). The chairperson of each political party participating in the presidential primary shall, 7 working days after the deadline set above, provide the State Election Commissioner with a list of all persons affiliated with such party, not already on the ballot, who have become eligible by the close of business on the preceding day to receive payments from the Presidential Primary Matching Payment Account of the Internal Revenue

Code and who have not previously announced their withdrawal from the national presidential race and/or who have not announced the suspension of their presidential campaign (Title 15, 3183(b)).

C. STATUTORY INSTRUCTIONS
None.

DISTRICT OF COLUMBIA

Delegates to National Conventions:
Democratic: 37
Republican: 19

A. MANNER OF SELECTION
No candidate for delegate or alternate may be listed on the primary ballot unless such candidate was properly selected according to the rules of his political party. (District of Columbia Code, § 1–1001.05(b)(3)(B)).
Candidates for delegate and alternates where permitted by political party rules to a particular political party national convention convened to nominate that party's candidate for President shall be listed on the ballot of the presidential preference primary held as:
(1) Full slates of candidates for delegates supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate, and by at least 1,000, or 1 percent, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1–1001.07 and are of the same political party as the candidates on such slate;
(2) Full slates of candidates for delegates not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such slate's candidacy signed by the candidates on the slate and by at least 1,000, or 1 percent, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1–1001.07 and are of the same political party as the candidates on such slate;
(3) An individual candidate for delegate supporting a candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1 percent, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1–1001.07 and are of the same political party as the candidate; or
(4) An individual not committed to support any named candidate for nomination for President if there shall have been filed with the Board, no later than 60 days before the date of such presidential primary, a petition on behalf of such candidate, signed by the candidate and by at least 1,000, or 1 percent, whichever is less, of the qualified electors of the District of Columbia who have registered under § 1–1001.07

and are of the same political party as the candidate (§ 1–1001.05(b)(3)(A)).

B. PRESIDENTIAL PREFERENCE PRIMARY

The District of Columbia Board of Elections shall, on the second Tuesday in February, (February 12, 2008) of each presidential election year, conduct a presidential preference primary in which the registered qualified voters therein may express their preference for candidates of each political party of the District of Columbia for nomination for President (§ 1–1001.05(b)(1)).

No person shall be listed on the ballot as a candidate for nomination for President in such primary unless there shall have been filed with the Board no later than 60 days before the date of such presidential primary election a petition on behalf of his or her candidacy signed by at least 1,000, or 1 percent, whichever is less, of the qualified electors of the District of Columbia who are registered under § 1–1001.07, and of the same political party as the nominee (§ 1–1001.05(b)(2)).

C. STATUTORY INSTRUCTIONS

The delegates and alternates, of each political party in the District of Columbia to the national convention of that party convened for the nomination of that party for President, elected at the presidential preference primary, shall only be obliged to vote for the candidate whom he or she has been selected to represent in accordance with properly promulgated rules of the political party, on the first ballot cast at the convention for nominees for President, or until such time as such candidate to whom the delegate is committed withdraws his candidacy, whichever first occurs (§ 1–1001.05(b)(5)).

FLORIDA

Delegates to National Conventions:
Democratic: 210
Republican: 57

A. MANNER OF SELECTION

The State of Florida shall hold a presidential preference primary for the selection of delegates on the second Tuesday in January, January 8, 2008 (Florida Statutes Annotated, § 103.101).

B. PRESIDENTIAL PREFERENCE PRIMARY

Each political party other than a minor political party shall, on the second Tuesday in January in each year the number of which is a multiple of 4 (January 8, 2008), elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule (§ 103.101(1)). The Florida presidential primary is a closed type of primary. By October 31 of the year preceding the Florida presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential pref-

erence primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in November each year a presidential preference primary election is held. Each person designated as a presidential candidate shall have his name appear, or have his delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The presidential candidate selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in November each year a presidential preference primary is held. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested. Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his name on the ballot. Such request shall be made no later than the second Tuesday after the first Monday in November (§103.101(2)).

A candidate's name shall be printed on the presidential preference primary ballot unless he submits to the Department of State, prior to the second Tuesday after the first Monday in November, an affidavit stating that he is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the State executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the third Tuesday after the first Monday in November, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot (§103.101(3)).

The names of candidates for political party nominations for President of the United States shall be printed on official ballots for the presidential preference primary election and shall be marked, counted, canvassed, returned, and proclaimed in the same manner and under the same conditions, so far as they are applicable, as in the other State elections. If party rule requires the delegates' names to be printed on the official presidential preference primary ballot, the name of the president candidates for that political party may not be printed separately, but the ballot may reflect the presidential candidate to whom the delegate is pledged. If, however, a political party has only one presidential candidate, neither the name of the candidate nor the names of the candidate's delegates shall be printed on the ballot (§103.101(4)).

The state executive committee of each party, by rule adopted at least 120 days prior to the presidential preference primary election, shall determine the number, and establish procedures to be followed in the selection, of delegates and delegate alternates from among each candidate's supporters. A copy of any rule adopted by the executive committee shall be filed with the Department of State within 7 days after its adoption and shall become a public record. The Department of State shall review the procedures and shall notify the State executive committee of each political party of any ballot limitations. The Department of State may promulgate rules for the orderly conduct of the presidential preference primary ballot. Delegates must qualify no later than the second Friday in November in the manner provided by party rule. All delegates shall be allocated as provided by party rule (§103.101 (5), (6), (7)).

C. STATUTORY INSTRUCTIONS

None.

GEORGIA

Delegates to National Conventions:
Democratic: 104
Republican: 72

A. MANNER OF SELECTION

There is no specific statutory provision regulating the election or selection of delegates to national conventions. The law does state, "each political party shall establish and maintain a State executive committee exercising statewide jurisdiction and control over party affairs, and a county executive committee in each county in which it holds a primary, exercising county-wide jurisdiction and control over party affairs. A party may establish and maintain such other committees as it may from time to time deem advisable. The membership of such committees shall be selected in the manner determined by the State executive committee. Each committee shall be presided over by a chairman and shall have a secretary and each other officers as deemed advisable. Georgia will have a presidential primary on February 5, 2008.

The State executive committee of each political party or body shall determine the method and procedures by which delegates and delegate alternates to the national nominating conventions are selected, as well as adopt any other rule not inconsistent with this article. (Code of Georgia, §21–2–195).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary shall be held in 2008 and every four years thereafter for each political party or body which has cast for its candidates for President and Vice President in the last presidential election more than 20 percent of the total vote cast for President and Vice President in the state, so that the electors may express their preference for one person to be the candidate for nomination by his party or body for the office of President of the United States; provided, however, that no elector shall vote in the

primary of more than one political party or body in the same presidential preference primary. Such primary was held on February 5, 2008, and on the first Tuesday in February every four years thereafter. A State political party or body may by rule choose to elect any portion of its delegates to that party's or body's presidential nominating convention in the primary; and, if a State political party or body chooses to elect any portion of its delegates, such state political party or body shall establish the qualifying period for those candidates for delegate and delegate alternate positions which are to be elected in the primary and for any party officials to be elected in the primary and shall also establish the date on which State and county party executive committees shall certify to the Secretary of State or the superintendent, as the case may be, the names of any such candidates who are to be elected in the primary; provided, however, that such dates shall not be later than November 1, in the year preceding the year in which the presidential preference primary is to be held. (§ 21–2–191).

Not later than November 1 in the year preceding the year in which a presidential preference primary is to be held, the state executive committee of each party which is to conduct a presidential preference primary shall submit to the Secretary of State a list of the names of the candidates of such party to appear on the presidential preference primary ballot. Such lists shall be published by the Secretary of State in a newspaper of general circulation in the state during the first week of December in the year in which the presidential preference primary is to be held. (§ 21–2–193).

C. STATUTORY INSTRUCTIONS

Any person selected as a delegate or delegate alternate to such national convention shall file a qualification oath with the Secretary of State pledging support at the convention to the candidate of their political party or body for the office of President of the United States for whom they are selected to support. The oath shall state that the delegate or delegate alternate affirms to support such candidate until the candidate is either nominated by such convention, or receives less than thirty-five percent of the votes for nomination by such convention during any balloting, or until the candidate releases the delegates from such pledge. No delegate shall be required to vote for such candidate after two convention nominating ballots have been completed (§ 21–2–196).

HAWAII

Delegates to National Conventions:
Democratic: 29
Republican: 20

A. MANNER OF SELECTION

The delegates to the national conventions from Hawaii are elected at state conventions held by the political parties.

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

IDAHO

Delegates to National Conventions:
Democratic: 23
Republican: 32

A. MANNER OF SELECTION

Each State convention shall write and adopt rules and regulations governing the conduct of their respective convention. At their convention each political party may in the year of presidential elections elect delegates to the national convention in the manner prescribed by national party rules (Idaho Code, § 34–707).

Delegates are also elected at a presidential preference primary held on the fourth Tuesday in May of each presidential year, i.e., May 27, 2008 (§ 34–731). No later than ten (10) days prior to the presidential primary election, each candidate for nomination by a party for President, or a designated representative of such candidate, shall file with the Secretary of State a list of names and addresses of persons proposed by that candidate to be delegates to the national convention of the party of that candidate. The number of names set forth on such list of proposed delegates shall be equal to the number of delegates and alternates to the national party convention as are allotted to Idaho for that year by the national committee of that party. No person's name shall be placed on such a list of proposed delegates unless that person has attained the age of eighteen (18) years at the time said delegates' list is filed, is a citizen of the United States, is a qualified elector of the State of Idaho, and has resided in the State of Idaho for at least one (1) year next preceding filing of said list. The qualifications of each person, whose name appears on such list of proposed delegates, shall be verified by an affidavit of the candidate, or a representative of the candidate, and said affidavit shall be attached to said list so filed. The form of said affidavit shall be determined by the Secretary of State (§ 34–735).

Upon completion of the State canvass of the results of the presidential primary, the Secretary of State shall certify to the State chairman of each political party participating in the presidential primary the number of votes received by each candidate of that party and the number of votes for an uncommitted delegation received by that party (§ 34–736(1)).

Each political party shall then select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party, according to the provisions of the following subsections of this section (§ 34–736(2)).

Eighty percent of such delegates and eighty percent of such alternates to a national party convention shall be selected by a party at its state convention, or as the party rules otherwise provide, from among:

(a) the persons named on the lists of proposed delegates to the national conventions filed with the Secretary of State by

that party's respective candidates for nomination by the party for President of the United States; and
(b) the persons selected by that party at its state convention, or as the party rules otherwise provide, to comprise any uncommitted delegation (§ 34–736(3)).
The number of delegates and the number of alternatives selected by a party from a candidate's list of proposed delegates, or selected by that party to comprise any uncommitted delegation, shall bear the same proportion to eighty percent (80 percent) of the total number of delegates and alternates allotted to such party as the total vote received by each candidate or uncommitted delegation bears to the total combined vote cast in said primary election for all candidates and uncommitted delegation, if any, receiving more than five percent (5 percent) of the votes cast for that party. Upon determination of the number of delegates and alternates that shall be selected from each candidate's list of proposed delegates and that shall be selected to comprise an uncommitted delegation, if any, the party shall then select delegates and alternates to that party's national convention in that respective number from each such list and to comprise the uncommitted delegation, if any. The delegates and alternates comprising any such uncommitted delegation shall be selected as the party rules determine (§ 34–736(4)).
Twenty percent of the delegates and twenty percent of the alternates to a national party convention as are allotted to a party by the national committee of that party shall be selected as delegates and alternates to the national convention of that party as the party rules may determine (§ 34–736(5)).
In the event a candidate in the presidential preference primary fails to file with the Secretary of State a list of proposed delegates to his party's national convention, or to the extent that such a list of proposed delegates provided by such candidate fails to name a sufficient number of persons qualified for the office of delegate, such number of delegates and alternates, as would be selected from said candidate's list of proposed delegates according to the election results, shall be selected by the party as delegates and alternates to that party's national convention, as the party rules may determine (§ 34–736(6)).
In calculating the apportionment of delegate votes in conjunction with the selection of delegates and alternates, as provided for in this section, such proportions of delegate votes shall be expressed as decimal-fractional votes or the nearest whole number of delegate votes as the rules of the particular national party or convention may provide (§ 34–736(8)).
There shall be no unit rule applied to or by the delegation of any party to that party's national convention. No party or delegation shall commit or instruct delegates and alternates selected from that party's candidates' lists of proposed delegates or selected as uncommitted delegates and alternates. Other delegates and alternates may be committed and/or instructed as the party rules may provide (§ 34–736(9)).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary shall be held on the fourth Tuesday in May of each presidential year (May 27, 2008).

Each qualified elector shall have the opportunity to vote on the official presidential preference primary for one person to be the candidate for nomination by a party for president of the United States. The name of any candidate for a political party nomination for President of the United States shall be printed on the ballots only:

(a) if the Secretary of State shall have determined, in his sole discretion, that the person's candidacy is generally advocated or recognized in national news media throughout the United States. For the purpose of promoting the aspect of a regional primary in this regard, the Secretary of State may consult with the chief election officers of neighboring states which conduct a presidential primary election on the fourth Tuesday in May. The Secretary of State shall publish the names of such persons determined by him to be such candidates, together with their party affiliation, not less than sixty (60) days prior to the date of the presidential preference primary;

(b) if a petition for nomination meeting the requirements of subsection 3 of this section is filed with the Secretary of State by members of a political party to which the candidate belongs;

(c) the petition referred to in subsection (b) hereof shall:

(1) have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to one percent of the number of votes cast in this State for presidential electors at the previous general election at which a President of the United States was elected;

(2) be filed with the Secretary of State not later than thirty (30) days prior to the date of the presidential preference primary;

(3) the format of the signature petition sheets shall be prescribed by the Secretary of State and shall be patterned after, but not limited to, such sheets as used for State initiative and referendum measures;

(4) the petitions and signatures so submitted shall be verified in the manner prescribed in section 34–1807, Idaho Code (§ 34–732).

The Secretary of State shall forthwith notify each person whom he has nominated and each such person nominated by petition in writing by registered mail that such person's name will be printed as a candidate on the Idaho presidential preference primary ballot. In the event the Secretary of State is informed of a candidate's death or incapacity, the Secretary of State may, in his sole discretion, remove the name of such nominated candidate from the ballot, but not later than thirty (30) days prior to said election. No declaration of candidacy or affidavit of candidacy shall be required of any candidate as a condition for printing the name of that candidate on the official ballot used in the presidential preference primary (§ 34–733). At a presidential preference primary, qualified electors may vote for candidates for nomination for President of the United States from among the candidates of one political party only. The elector shall be able

to cast his ballot for one of the presidential candidates of his party, or for "none of the names shown." A vote of the latter kind shall express the preference for an uncommitted delegation from Idaho to the national convention of that elector's party (§ 34–734).

C. STATUTORY INSTRUCTIONS

There shall be no unit rule applied to or by the delegation of any party to the party's national convention. No party or delegation shall commit or instruct delegates and alternates selected from that party's candidates' lists of proposed delegates or selected as uncommitted delegates and alternates. Other delegates shall be committed and/or instructed as the party rules may provide (§ 34–736(9)).

ILLINOIS

Delegates to National Conventions:
Democratic: 185
Republican: 70

A. MANNER OF SELECTION

Not less than 61 days before the date of the primary the State Board of Elections shall meet and shall examine all petitions filed under Article 7, in the office of the State Board of Elections. The State Board of Elections shall then certify to the county clerk of each county, the names of all candidates whose nomination papers or certificates of nomination have been filed with the Board and direct the County Clerk to place upon the official ballot for the general primary election the names of such candidates in the same manner and in the same order as shown upon the certification (Illinois Compiled Statutes Annotated, Chapter 10, § 5/7–14).

Selection of delegates and alternate delegates.

Delegates and alternate delegates to national nominating conventions shall be chosen according to one of the following alternative methods of allocating delegates for election. The State central committee of each political party established pursuant to this Article 7 shall certify to the State Board of Elections, not less than 30 days prior to the first date for filing of petitions for election as delegate or alternate delegate to a national nominating convention, which of the following alternatives it wishes to be utilized in allocating the delegates and alternate delegates to which Illinois will be entitled at its national nominating convention. The State Board of Elections shall meet promptly and, not less than 20 days prior to the first date for filing of such petitions, shall publish and certify to the county clerk in each county the number of delegates or alternate delegates to be elected from each congressional district or from the State at large or State convention of a political party, as the case may be, according to the method chosen by each State central committee. If a State central committee fails to certify to the State Board of Elections its choice of one of the following methods prior to the aforementioned meeting of the State Board of Elections, the State Board of Elections shall certify delegates for that political party pursuant to whichever of the alternates below

was used by that political party in the most recent year in which delegates were selected, subject to any subsequent amendments.

Prior to the aforementioned meeting of the State Board of Elections at which the Board shall publish and certify to the county clerk the number of delegates or alternate delegates to be elected from each congressional district or the State at large or State convention, the Secretary of State shall ascertain from the call of the national convention of each political party the number of delegates and alternate delegates to which Illinois will be entitled at the respective national nominating conventions. The Secretary of State shall report the number of delegates and alternate delegates to which Illinois will be entitled at the respective national nominating conventions to the State Board of Elections convened as aforesaid to be utilized by the State Board of Elections in calculating the number of delegates and alternates to be elected from each congressional district in the State at large or State convention, as the case may be.

Alternative A: The State Board of Elections shall allocate the number of delegates and alternate delegates to which the State is entitled among the congressional districts in the State.

(1) Of the number of delegates to which the State is entitled, 10, plus those remaining unallocated under paragraph 2, shall be delegates at large. The State central committee of the appropriate political party shall determine whether the delegates at large shall be elected in the primary from the State at large, selected by the State convention, or chosen by a combination of these two methods. If the State central committee determines that all or a specified number of the delegates at large shall be elected in the primary, the committee shall file with the Board a report of such determination at the same time it certifies the alternative it wishes to use in allocating its delegates.

(2) All delegates other than the delegates at large shall be elected from the congressional districts. Two delegates shall be allocated from this number to each district. After reserving 10 delegates to be delegates at large and allocating 2 delegates to each district, the Board shall allocate the remaining delegates to the congressional districts pursuant to the following formula:

(a) for each district, the number of remaining delegates shall be multiplied by a fraction, the numerator of which is the vote cast in the congressional district for the party's nominee in the last presidential election, and the denominator of which is the vote cast in the State for the party's nominee in the last presidential election;

(b) the Board shall first allocate to each district a number of delegates equal to the whole number in the product resulting from the multiplication procedure in subparagraph (a);

(c) the Board shall then allocate any remaining delegates, one to each district, in the order of largest fractional remainder in the product resulting from the multiplication procedure in subparagraph (1), omitting those districts for which the product is less than 1.875;

(d) the Board shall then allocate any remaining delegates, one to each district, in the order of the largest fractional remainder in the product resulting from the multiplication procedure in subparagraph (1), among those districts for which that product is at least one but less than 1.875.
(e) any delegates remaining unallocated shall be delegates at large and shall be selected as determined by the State central committee under paragraph (a) of this *Alternative A.*
(3) The alternative delegates at large shall be allocated in the same manner as the delegates at large. The alternative delegates other than the alternate delegates at large shall be allocated in the same manner as the delegates other than the delegates at large.
Alternative B: The chairman of the State central committee shall file with the State Board of Elections a statement of the number of delegates and alternate delegates to which the State is entitled and the number of such delegates and alternate delegates to be elected from congressional districts. The State Board of Elections shall allocate such number of delegates and alternate delegates, as the case may be, among the congressional districts in the State for election from the congressional districts. (See the formulae for determining the selection of delegates from each congressional district.) (10 ILCS § 5/7–14.1).

Statements to be filed by delegates and alternate delegates:
(A) Except as otherwise provided in paragraph (C), a candidate for delegate or alternate delegate to a national nominating convention shall file with the State Board of Elections at the time of filing the statement of candidacy described in 10 ILCS § 5/7–10, a statement declaring the name of his preference for President of the United States or that he is uncommitted.
(B) The following procedure shall apply to candidates for delegate or alternate delegate to a national nominating convention of a political party whose State Central Committee uses Alternative B of 10 ILCS § 5/7–14.1. If more candidates for delegate or alternate delegate in a congressional district than have been allocated to that district file statements designating the same presidential candidate as their preference for President of the United States, the presidential candidate so designated or his authorized representative may, within 10 days after the last day for filing such statements, file an affidavit designating which of such candidates he wants to be listed on the ballot as being committed to the presidential candidate. Candidates for delegate or alternate delegate not designated on an affidavit by the presidential candidate shall be listed on the ballot as uncommitted. In no event may the designated person's filing of the affidavit leave fewer candidates listed on the ballot as being committed to him than the number of delegates or alternate delegates allocated to the district.
(C) The State central committee of a political party may choose to file a statement with the State Board of Elections not less than 30 days prior to the first day for filing the statement of candidacy described in 10 ILCS § 5/7–10, specifying that a candidate for delegate or alternate delegate shall

not be required to file an official declaration statement pursuant to this Section.

If the State central committee of a political party specifies that any such official declaration statement is not required to be filed by the candidates for delegates and alternate delegates to the national nominating convention of any such political party, then no such declaration statement shall be required to be made (10 ILCS § 5/7–10.3).

B. PRESIDENTIAL PREFERENCE PRIMARY

Illinois will hold a presidential preference primary on February 5, 2008 (10 ILCS §§ 5/7–5, 5/2A.1.1.). The presidential primary is an open type of primary. Any candidate for President of the United States may have his name printed upon the primary ballot of his political party by filing in the office of the State Board of Elections not more than 99 and not less than 92 days prior to the date of the general election, in any year in which a presidential election is to be held, a petition signed by not less than 3,000 or more than 5,000 primary electors, members of and affiliated with the party of which he is a candidate, and no candidate for President of the United States who fails to comply with the provisions of this Article shall have his name printed upon a primary ballot (10 ILCS § 5/7–11).

C. STATUTORY INSTRUCTIONS

Unless the rules or policies of a national political party otherwise provide, the vote for presidential candidate is advisory only, and shall be for the sole purpose of securing an expression of the sentiment and will of the party voters with respect to candidates for nomination for said office, and the vote of the State at large shall be taken and considered as advisory to the delegates and alternates at large to the national conventions of respective political parties; and the vote of the respective congressional districts shall be taken and considered as advisory to the delegates and alternates of said congressional districts to the national conventions of the respective political parties (10 ILCS § 5/7–11).

INDIANA

Delegates to National Conventions:
Democratic: 79
Republican: 57

A. MANNER OF SELECTION

Delegates and alternate delegates are elected at the State conventions of political parties which received at least 2 percent of the vote cast for Secretary of State at the last election (Indiana Code Annotated, § 3–8–4–1).

(b) Delegates to a state convention shall be chosen at the primary election conducted by the political party on the first Tuesday after the first Monday in May, 2008, and every two (2) years thereafter. If provided in the rules of the state committee of the political party, delegates may be elected from delegate districts in each county.

(c) Not later than noon, November 30, of the year preceding the year in which the state convention is to be conducted,

the state chairman of a political party shall certify the following to the election division and to each county committee of the party:
(1) The number of delegates to be elected in each county.
(2) Whether the delegates are to be elected from districts or at large in each county.
(3) If a county is to elect delegates from districts, how many districts must be established in each county.
(d) The county committee shall establish any delegate districts required to be established under subsection (c) and file descriptions setting forth the district boundaries with the county election board not later than noon December 31 of the year preceding the year the state convention is to be conducted. If the county committee does not timely file district descriptions under this subsection, the county election board shall establish districts not later than the first day that a declaration of candidacy may be filed under IC 3–8–2–4, and apportion the delegates to be elected from each district in accordance with subsection (c). (§ 3–8–4–3).
Each major political party shall elect delegates from each county to the party's State convention at the primary election (§ 3–10–1–4).

B. PRESIDENTIAL PREFERENCE PRIMARY
A primary election shall be held on the first Tuesday after the first Monday in May (May 6, 2008) of each year in which a general election is held (§ 3–10–1–3).
A candidate of a major political party for nomination for the office of President shall file with the election division a request that the candidate's name be placed upon the ballot under the label of the political party whose nomination the candidate is seeking (§ 3–8–3–1).
A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election (§ 3–8–24). A request filed under § 3–8–3–1 must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district (§ 3–8–3–2). The petition must be submitted to the county voter registration office during the period beginning January 1 of the year in which the primary election will be held and ending at noon ten (10) days before the final date for filing a declaration of candidacy under § 3–8–3–2 for the primary election (§ 3–8–3–4). A request or petition filed is not valid unless received in the office of the election division by noon Indianapolis time on the final day for filing a declaration of candidacy under § 3–8–2–4 before a primary election (§ 3–8–3–5). Immediately after the deadline for filing, the election division shall certify and release to the public a list of the candidates for nomination as President of the United States for each political party who have filed a request for placement on the primary ballot under this chapter (§ 3–8–3–6).

C. STATUTORY INSTRUCTIONS
A delegate or alternate delegate selected from a congressional district to the national convention of a political party

shall, on the first ballot at the national convention, support the candidate for President of the United States who received the highest number of votes in the congressional district at the primary election if the person is in fact a candidate at the convention. A delegate-at-large or alternate delegate-at-large to the national convention is not required to support a specific candidate for President on any ballot at the convention (§3–8–3–11).

IOWA
Delegates to National Conventions:
Democratic: 56
Republican: 40

A. MANNER OF SELECTION
Delegates to the national conventions of the respective political parties are selected by custom by State and congressional district conventions comprised of delegates selected at county conventions, as set forth in the party rules.
Delegates to county conventions of political parties and party committee members shall be elected at precinct caucuses held not later than the fourth Monday in February of each even-numbered year. The date shall be at least eight days earlier than the scheduled date for any meeting, caucus or primary which constitutes the first determining stage of the presidential nominating process in any other State, territory or any other group which has the authority to select delegates in the presidential nomination. The State central committees of the political parties shall set the date for their caucuses. The county chairperson of each political party shall issue the call for the caucuses. The county chairperson shall file with the commissioner the meetingplace of each precinct caucus at least seven days prior to the date of holding the caucus.
There shall be selected among those present at a precinct caucus a chairperson and a secretary who shall within seven days certify to the county central committee the names of those elected as party committee members and delegates to the county convention.
The central committee of each political party shall notify the delegates and committee members so elected and certified of their election and of the time and place of holding the county convention. Such conventions shall be held either preceding or following the primary election but no later than ten days following the primary election and shall be held on the same day throughout the State (Iowa Code Annotated, §43.4).
Delegates shall be persons who are or will by the date of the next general election become eligible electors and who are residents of the precinct. The number of delegates from each voting precinct shall be determined by a ratio adopted by the respective party county central committees, and a statement designating the number from each voting precinct in the county shall be filed by such committee not later than the time the list of precinct caucus meetings is required to be filed in the office of the commissioner. If the required statement is not filed, the commissioner shall fix the number of delegates from each voting district (§43.90). The State con-

vention is held either preceding or following the primary election at a time and place designated by the State central committee (§43.107). There is no specific statute governing selection of national convention delegates. It is stated that "the State central committee . . . may organize at pleasure for political work as is usual and customary with such committees" (§43.111).

C. STATUTORY INSTRUCTIONS
None.

KANSAS
Delegates to National Conventions:
Democratic: 40
Republican: 39

A. MANNER OF ELECTION
Each political party shall then select as many delegates and alternates to the national party convention as are allotted it by the national committee of that party, according to § 25–4506 and amendments thereto. No later than 60 days following the presidential preference primary, delegates and alternates to a national party convention shall be selected by a party at its state convention, or as otherwise provided by party rules adopted by the committees of the political parties. Delegates and alternates to a national party convention shall be selected in the manner prescribed by party rules (Kansas Statutes Annotated, §25–4507).

B. PRESIDENTIAL PREFERENCE PRIMARY
There shall be held a presidential preference primary in the year 2012, and every fourth year thereafter. On or before November 1, 2011, and on or before November 1 every fourth year thereafter, the secretary of state shall certify to the governor, to the chief clerk of the house of representative and to the secretary of the senate a common date in the next succeeding year on which at least five other states will hold a presidential preference primary election, a delegate or mass convention or caucus of qualified voters at which delegates to a national convention are selected. On or before each such date, if the secretary of state determines that there is no common date on which at least five states are conducting such selection process, the secretary of states shall certify to the governor, the chief clerk of the house of representative and the secretary of the senate on a date, which shall be on or before the first Tuesday in April of the next following year, on which the presidential preference primary election shall be held (§ 25–4501). The presidential primary is an open type of primary. The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if, not later than twelve o'clock noon, February 12 prior to the presidential preference primary or, if such date falls on Saturday, Sunday or a holiday, not later than twelve o'clock noon the following day that is not a Saturday, Sunday or holiday:

(1) The candidate files with the secretary of state a declaration of intent to become a candidate accompanied by a fee of one hundred dollars ($100); or
(2) There is filed in the office of secretary of state a petition in the form prescribed by K.S.A. 25–205, signed by not less than one thousand (1,000) registered electors, who are affiliated with the political party of such candidate as shown by the party affiliation list. The secretary of state shall determine the sufficiency of each such petition, and such determination shall be final (§25–4502(b)).
(a) Upon completion of the state canvas of the results of the presidential preference primary, the secretary of state shall certify to the state chairperson of each political party participating in the presidential preference primary the number of votes received by each candidate of that party and the number of votes for an uncommitted delegation received by that party.
(b) Each political party shall then select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party, according to K.S.A. 25–4506 and this section, and amendments thereto.
(c) No later than 60 days following the presidential preference primary, delegates and alternates to a national party convention shall be selected by a party at its state convention, or as otherwise provided by party rules adopted by the committees of the political parties. The number of delegates and the number of alternates to a national party convention shall be determined according to party rules. Delegates and alternates to a national party convention shall be selected in the manner prescribed by party rules. The binding of delegates and alternates to a national party convention shall be determined by party rules. All such rules shall be filed with the secretary of state no later than January 2, 1992, and no later than January 2 every fourth year thereafter (§25–4507).

C. STATUTORY INSTRUCTIONS
None.

KENTUCKY
Delegates to National Conventions:
Democratic: 55
Republican: 45

A. MANNER OF SELECTION
No statutory provisions.

B. PRESIDENTIAL PREFERENCE PRIMARY
On the first Tuesday after the third Monday in May, in each presidential election year, the Commonwealth of Kentucky shall conduct presidential primary elections within each political party (May 20, 2008) (Kentucky Revised Statutes Annotated, § 118.561). Kentucky presidential primary is a closed primary. (§ 118.571).
The State board of elections shall convene in Frankfort on the second Tuesday in January preceding a presidential preference primary. At the meeting required by this section, the

board shall nominate as presidential preference primary candidates all those generally advocated and nationally recognized as candidates of the political parties for the office of President of the United States. Immediately upon completion of this requirement, the board shall transmit a list of all such nominees selected to the Secretary of State and shall also release the list to the news media. (§118.581.). Before any candidate's name is placed upon the official ballot by the Secretary of State for a presidential preference primary in the Commonwealth, the candidate shall remit to the Secretary of State the sum of one thousand dollars ($1,000), which shall be nonrefundable unless no presidential primary is held. (§118.611.).

C. STATUTORY INSTRUCTIONS

A declaration that the results of the presidential preference primary, in accordance with the division of votes reflected by the official canvass, shall be the official vote cast by each political party at its national convention, on the first ballot only, and shall be designated by KRS 118.551 to 118.651 as an automatic vote, expressing the will of the people of the Commonwealth of Kentucky. After the vote on the first ballot by the political party at its national convention, as required by this section, all responsibility under KRS 118.551 to 118.651 shall terminate and further balloting shall be the prerogative of the political parties as might be prescribed by the rules of such political parties. (§118.631.).

LOUISIANA

Delegates to National Conventions:
Democratic: 68
Republican: 47

A. MANNER OF SELECTION

At least 90 days before a presidential preference primary election, the State governing body of each eligible political party shall establish procedures to be followed in the selection of individual delegates and alternates to the convention of that party, including procedures for the selection of committed and uncommitted delegates (Louisiana Revised Statutes, title 18, §1280.27(A). A recognized political party shall be controlled and directed by one State central committee and a parish executive committee for each parish (§442). Delegates shall be allocated among the presidential candidates according to the results of the presidential primary and according to the guidelines of the political parties (§1280.27(B). 13. Louisiana will have a presidential preference primary election on the second Saturday in February in 2008 and every fourth year thereafter (February 9, 2008) (§ 1280.21).

PRESIDENTIAL PREFERENCE PRIMARY

A statewide presidential preference primary election shall be held on the second Saturday in February in 2008 (February 9, 2008) and every fourth year thereafter for the purpose of allowing the electors of each political party in the state which has forty thousand or more registered members to express their preference for a person to be the nominee of the

party for president of the United States. Each elector voting in such election may vote only for a candidate who is affiliated with the same party as the elector, except that the state central committee of a recognized political party may allow in its bylaws, electors who are not affiliated with any political party to cast a vote on the ballot of such recognized political party (§ 1280.21). Candidates for presidential nominee shall qualify in accordance with procedures established by the party. Prior to qualification as a candidate of a political party for presidential nominee, a person shall pay a qualifying fee of seven hundred fifty dollars and any additional fee as authorized by Title 18 § 464(C) or shall have obtained a nominating petition, bearing the handwritten signatures of no less than one thousand registered voters affiliated with the party from each of the congressional districts into which the state is divided. If the candidate is qualifying by paying a fee, the fee shall be paid in cash, by certified or cashier's check drawn on a state or national bank or credit union, by United States postal money order, or by a money order issued by a state or national bank or credit union. The qualifying period for presidential candidates shall open on the second Wednesday in December and shall close at 5:00 p.m. on the following Friday.

During the qualifying period, presidential candidates shall file notices of candidacy with the Secretary of State. Each sheet of a nominating petition shall set forth the name of the presidential candidate, as it shall appear on the election ballot, the address of the candidate, the political party with which he is affiliated, and the date of the presidential primary.

Each voter who signs a nominating petition shall include his name and residence address. All persons who obtained signatures shall certify that to the best of their knowledge, information, and belief all of the signatures on the nominating petition are genuine, and all of the statements contained in the petition are true and correct. A nominating petition shall be submitted to the registrars of voters in the parishes where the signers reside not less than thirty days before the end of the qualifying period. The registrar for each parish shall endorse upon the nominating petitions, whether original or supplemental, the date and time of submission and shall promptly certify the nominating petitions, in the order received, by determining and certifying on each nominating petition which of the signers are registered to vote in the parish. A registrar may stop certifying the signatures on a nominating petition when the total number of the signers he has certified as having signed the petition timely and as being registered to vote equals 15% more than the number of registered voters required from the congressional district. A registrar's certification shall be conclusive as to number of qualified voters who timely signed a nominating petition, and evidence to the contrary shall not be admitted in an action objecting to the candidacy of a presidential candidate filing the nominating petition. (§1280.22).

At least ninety days prior to a presidential preference primary election, the State governing body of each eligible political party shall establish procedures to be followed in the se-

lection of individual delegates and alternatives to the convention of that party, including procedures for the selection of committed and uncommitted delegates. Delegates shall be allocated among the presidential candidates according to the results of the presidential primary and according to guidelines established by the governing bodies of the respective parties (§ 1280.27).

C. STATUTORY INSTRUCTION
None.

MAINE

Delegates to National Conventions:
Democratic: 34
Republican: 21

A. MANNER OF SELECTION
Statute repealed in 1995.

B. PRESIDENTIAL PREFERENCE PRIMARY
The State of Maine repealed its presidential preference primary statute in 1995.

C. STATUTORY INSTRUCTIONS
None.

MARYLAND

Delegates to National Conventions:
Democratic: 99
Republican: 37

A. MANNER OF SELECTION
The State central committee of each political party shall certify to the State Board, not later than October 1 in the year of the election the number of delegates and alternate delegates to be selected in the State and the mode or modes of selection (Maryland Code Annotated, § 8–501).

B. PRESIDENTIAL PREFERENCE PRIMARY
There shall be a statewide primary election in the year in which the President of the United States is elected, on the second Tuesday in February (February 12, 2008) (§ 8–201).
An individual who desires to run in the primary election may be placed on the ballot only by direction of the Secretary of State or by filing a petition containing the signatures of at least 400 registered voters from each congressional district in the State. The Secretary of State shall certify to the State Board the names of candidates for nomination by a principal political party during the period beginning 90 days before the primary election and ending 80 days before the primary election. The Secretary of State shall certify to the State Board the names of candidates for the Democratic Party nomination on the first business day in the year of the election. The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary's sole discretion and consistent with party rules, that the candidate's candidacy is generally

advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that the candidate is not and does not intend to become a candidate for the office in the Maryland primary election. A candidate who seeks to be placed on the ballot by the petition process shall file the petition, in the form prescribed by the State Board, on the Monday that is 70 days before the day of the election (§ 8–502).
The State central committee of each political party shall certify to the State Board, not later than October 1 in the year preceding the election the number of delegates and alternate delegates to be selected in the State and the mode or modes of selection (§ 8–501).

C. STATUTORY INSTRUCTIONS
The State central committee of each political party shall certify to the State Board, not later than October 1 in the year preceding the election, in the case of a principal political party if delegates are to be elected by district, the number of delegates to be elected from each district; provisions for placing on the ballot the name of a presidential candidate, or the word "uncommitted", adjacent to the name of each candidate for delegate; provisions for how, if a candidate for delegate withdraws in accordance with § 5–502 of this article and the withdrawing candidate's name would have appeared on the ballot adjacent to the name of a presidential candidate, that presidential candidate will designate a replacement candidate for delegate no later than 5 days after the deadline established in § 5–502 of this article; and any other provisions of the national party rules of the party that relate to the election of delegates or alternate delegates at the primary election. Delegates and alternate delegates to the national presidential nominating convention of a political party shall be selected as provided in the national party rules of the party (§ 8–501).

MASSACHUSETTS
Delegates to National Conventions:
Democratic: 121
Republican: 43

A. MANNER OF SELECTION
In any year in which candidates for presidential electors are to be elected, the selection of delegates and alternate delegates to national conventions of political parties shall be by that system adopted by the State committee, provided such system shall not include the placing of the names of delegates on the presidential primary ballot; and provided, further, that the distribution of delegates under any such system shall reflect the preference expressed by the voters on the presidential preference portion of the ballot at the presidential primary. The system adopted by the State committee shall be set forth in written rules and procedures covering all aspects of the delegate selection process and a copy of such rules and procedures shall be filed with the Secretary of State on or before October first of the year preceding the

year in which presidential electors are to be elected. The number of district delegates and alternate district delegates, not less than two from each congressional district, and the number of delegates and alternate delegates at-large shall be fixed by the State committee, who shall give notice thereof to the Secretary of State on or before the first Tuesday in January (Massachusetts General Laws Annotated, ch. 53, § 70B). A presidential preference primary shall be held on the first Tuesday in March (March 4, 2008) (ch. 53, § 28). The presidential primary is an open primary.

B. PRESIDENTIAL PREFERENCE PRIMARY

The primary shall be held on the first Tuesday in March in any year in which presidential electors are to be elected (ch. 53, § 28). The presidential primary date is set by statute for March 4, 2008.

The Secretary of State shall cause to be placed on the official ballot for use at presidential primaries, under separate headings, and in the following order: the names of those candidates or potential candidates for the office of President of the United States whom he shall have determined to be generally advocated or recognized in national news media throughout the United States; the names of any other candidates or potential candidates for nomination for President whose names are proposed therefor by nomination papers prepared and furnished by the Secretary of State, signed in the aggregate by at least twenty-five hundred voters; and the names of those candidates or potential candidates for nomination for President whose names appear on written lists signed by the chairman of the State committees of the political parties, arranged in such order as may be determined by lot under the direction of the Secretary of State, a blank space in which the voter may, if he does not vote for any of the candidates for President whose names are printed on the ballot, insert the name of any person of his choice as a candidate for President, and a blank space in which a voter may vote no preference. A vote for no preference and for a candidate whose name has been inserted by the voter shall be counted as a vote for that candidate. The chairman of the State committee of a political party and the Secretary of State shall submit lists or prepare lists of candidates for President, as aforesaid, no later than the first Friday in January, and shall notify each such candidate forthwith, by registered mail, of the presence of his name on said lists. No name shall be removed from said lists, nor from the ballot, unless such candidate shall file with the Secretary of State an affidavit stating that he does not desire his name printed upon said ballot at the forthcoming presidential primary. Such affidavit shall be filed with the Secretary of State no later than five o'clock p.m. on the second Friday in January (§ 70E). There shall also be printed on the ballot appropriate instructions to aid the voter with respect to expressing his preference for a candidate for nomination as President (*ibid.*).

C. STATUTORY INSTRUCTIONS

If there is a roll call vote at the national convention of a political party, all delegates and alternate delegates whose selection is subject by party rule to the approval of a presidential candidate shall vote on the first such roll call for that presidential candidate unless released by such candidate (§ 70I).

MICHIGAN

Delegates to National Conventions:
Democratic: 157
Republican: 30

A. MANNER OF SELECTION

Not later than 4 p.m. on November 14, 2007, the chairperson of each participating political party shall notify the secretary of state if his or her political party will be using a method other than the results of the January 15, 2008 presidential primary to select delegates to his or her respective national convention to nominate a candidate for president of the United States in 2008. At 4 p.m. on November 15, 2007, the secretary of state shall determine, based upon the information provided by the participating political parties under this subsection, whether the participating political parties in this state will be using a method other than the results of the January 15, 2008 presidential primary to select delegates to their respective national conventions to nominate a candidate for president of the United States in 2008. If the secretary of state determines that all participating political parties are using a method other than the results of the January 15, 2008 presidential primary, the secretary of state shall cancel the presidential primary that would otherwise be held on January 15, 2008, and any ballots for that presidential primary shall be destroyed. Upon request of the secretary of state, the chairpersons of the participating political parties shall provide the secretary of state with the information necessary for the secretary of state to make the determination required by this subsection. A political party that received less than 20% of the total vote cast in this state for the office of president in the last presidential election shall not participate in the presidential primary (§ 168.613a).

The allotment of delegates to all precincts in the State shall be made to ensure, as near as is practicable, equal apportionment based upon the total vote cast for the candidate of each political party for either President of the United States or Secretary of State; however, each precinct is to have at least one delegate (Michigan Compiled Laws Annotated, §168.623a(3)(4)).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential primary shall be conducted under this act on January 15, 2008, and on the fourth Tuesday in February in each following presidential election year (168.613a).

Not later than 4 p.m. on the eighteenth Tuesday before the presidential primary, the state chairperson of each participating political party shall file with the secretary of state a list of individuals whom they consider to be potential presi-

dential candidates for nomination by that participating political party in the next presidential election year. The secretary of state shall make the lists received under this subsection available to the public on an internet website maintained by the department of state. In compiling the list of individuals to be filed with the secretary of state under this subsection, the chairperson of each participating political party shall consider all of the following: (a) references to an individual as a candidate for nomination by the participating political party for the office of president of the United States in state and national news media, including, but not limited to, the internet; (b) presidential campaign activity by the individual or his or her campaign organization in this state and nationally; (c) support for the individual as a candidate for president of the United States by the general public and by members of the participating political party in this state and nationally; (2) after receipt of the list of candidates from the state chairperson of each participating political party under subsection (1) , the secretary of state shall notify each potential presidential candidate on the lists of the provisions of this act relating to the presidential primary (§ 168.614a). Except as otherwise provided in this section, the secretary of state shall cause the name of a presidential candidate notified by the secretary of state under section 614a to be printed on the appropriate presidential primary ballot for that participating political party. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating his or her political party preference if different than the participating political party preference contained in the notification from the secretary of state and the secretary of state shall cause that presidential candidate's name to be printed on the appropriate presidential primary ballot for that participating political party. If the affidavit of a presidential candidate indicates that the candidate has no political party preference or indicates a political party preference for a political party other than a participating political party, the secretary of state shall not cause that presidential candidate's name to be printed on a ballot for the presidential primary. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating that he or she does not wish to have his or her name printed on a presidential primary ballot and the secretary of state shall not cause that presidential candidate's name to be printed on a ballot for the presidential primary. A presidential candidate shall file an affidavit described in this subsection with the secretary of state no later than 4 p.m. on the fourteenth Tuesday before the presidential primary or the affidavit is void. The name of an individual who is not listed as a potential presidential candidate for a participating political party under section 614a shall be printed on the ballot for the appropriate participating political party for the presidential primary if he or she files a nominating petition with the secretary of state no later than 4 p.m. on the twelfth Tuesday before the presidential primary. The nominating petition shall contain valid signatures of registered and qualified electors equal to not less than ½ of 1%

of the total votes cast in the state at the previous presidential election for the presidential candidate of the participating political party for which the individual is seeking the nomination. However, the total number of signatures required on a nominating petition under this subsection shall not exceed 1,000 times the total number of congressional districts in this state. A signature on a nominating petition is not valid if obtained before August 15 of the year before the presidential election year in which the individual seeks nomination. To be valid, a nominating petition must conform to the requirements of this act regarding nominating petitions, but only to the extent that those requirements do not conflict with the requirements of this subsection. The names of the presidential candidates on each participating political party ballot shall be rotated on the ballot by precinct. Each ballot shall contain a space for an elector to vote uncommitted (§ 168.615a).

MINNESOTA

Delegates to National Conventions:
Democratic: 88
Republican: 41

A. MANNER OF SELECTION

The final authority over the affairs of each political party is vested in the party's State convention to be held at least once every general election year at the call of the State central committee. Subject to the control of the State convention, the general management of the affairs of the State party is vested in the party's State central committee (Minnesota Statutes Annotated, § 202A.12).

The rules of each political party shall provide that for each congressional district and each county or legislative district a convention shall be held at least once every general election year. Each major political party shall also provide for each congressional district and each county or legislative district an executive committee consisting of a chair and such other officers as may be necessary. The party rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits (§ 202A.13).

At 7:00 p.m. on the first Tuesday in March in every general election year a party caucus is to be held for every election precinct (§ 202A.14).

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS.

None.

MISSISSIPPI

Delegates to National Conventions:
Democratic: 40
Republican: 39

A. MANNER OF SELECTION

The State executive committee of each political party shall determine the method and procedures by which delegates and delegate alternates to the national nominating conventions are to be selected as well as adopt any other rule not inconsistent with this chapter. The State executive committee of the political party shall establish, at least ninety (90) days prior to the second Tuesday in March in years in which a presidential election is held, procedures to be followed in the nomination of candidates for delegates and delegate alternates to the nominating convention of the political party. (Mississippi Code Annotated, § 23–15–1055.)

B. PRESIDENTIAL PREFERENCE PRIMARY

The State of Mississippi will have a presidential preference primary on March 11, 2008. Each political party which has cast for its candidates for President and Vice President in the previous presidential election more than twenty percent (20%) of the total vote cast for President and Vice President in the State, may conduct a presidential preference primary. No elector shall vote in the primary of more than one (1) political party in the same presidential preference primary (§ 23–15–1081). The presidential primary is an open primary. The Secretary of State shall place the name of a candidate upon the presidential preference primary ballot when the Secretary of State shall have determined that such a candidate is generally recognized throughout the United States or Mississippi as a candidate for the nomination of President of the United States.

On or before December 15 immediately preceding a presidential preference primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential preference primary election. Following this announcement he may add candidates to his selection, but he may not delete any candidate whose name appears on the announced list, unless the candidate dies or has withdrawn as a candidate (§ 23–15–1089).

Any person desiring to have his name placed on the presidential preference primary ballot shall file a petition or petitions in support of his candidacy with the State executive committee of the appropriate political party after January 1 of the year in which the presidential preference primary is to be held and before January 15 of that same year. To comply with this section, a candidate may file a petition or petitions signed by a total of not less than five hundred (500) qualified electors of the State, or petitions signed by not less than one hundred (100) qualified electors of each congressional district of the State, in which case there shall be a separate petition for each congressional district. The petitions shall be in such form as the State executive committee may prescribe; provided, that there shall be a space for the county of residence of each signer next to the space provided for the signature. No signature may be counted as valid unless the county of residence of the signer is provided. Each petition shall contain an affirmation under the penalties of

perjury that each signer is a qualified elector in his congressional district or in the state, as appropriate (§ 23–15–1093).

C. STATUTORY INSTRUCTIONS

None.

MISSOURI

Delegates to National Conventions:
Democratic: 88
Republican: 58

A. MANNER OF SELECTION

The State of Missouri will be holding its presidential preference primary on February 5, 2008 (Missouri Annotated Statutes, § 15.755). The state party organization which is the state organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in congressional and state conventions. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties (§ 115.776).

B. PRESIDENTIAL PREFERENCE PRIMARY

A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in February of each presidential election year (February 5, 2008) (§ 115.755). On or before the tenth Tuesday prior to the date of the primary, the Secretary of State shall announce the official list of presidential candidates for each established political party (§ 115.758). The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with receipt of payment to the state committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of one thousand dollars or a written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than five thousand registered Missouri voters, as determined by the secretary of state, that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary (§ 115.761). The names of the candidates shall appear on the primary ballot in the order in which their request to be included on the ballot was received in the office of the Secretary of State, except that, in the case of candidates who file a request to be included on the ballot before 5:00 p.m. on the first day for filing, the Secretary of State shall determine by random drawing the order in which such candidates' names shall appear on the ballot (§ 115.765). In a presidential preference primary, each voter shall be entitled to re-

ceive the ballot of one and only one established political party, designated by the voter before receiving such voter's ballot (§ 115.770). Each election authority shall cause the names of candidates certified by the Secretary of State to appear on the presidential preference primary ballot of each party, followed by a listing for an uncommitted vote (§ 115.767).
After the count and canvass of the votes cast, the secretary of state shall notify the state chair of each of the established political parties for whom a candidate was listed, of the number of votes recorded in that established political party's primary that each candidate and uncommitted listing received (§ 115.773).

C. STATUTORY INSTRUCTIONS
None.

MONTANA
Delegates to National Conventions:
Democratic: 23
Republican: 25

A. MANNER OF SELECTION
Each political party has power to make its own rules, provide for and select its own officers, call conventions and provide for the number and qualifications of delegates, adopt platforms, provide for selection of delegates to national conventions, provide for the nomination of presidential electors, provide for the selection of national committeemen and women, make nominations to fill vacancies occurring among its candidates nominated for offices to be filled by the State at large or by any district consisting of more than one county where such vacancies are caused by death, resignation or removal from the electoral district, and perform all other functions inherent in such an organization (Montana Code Annotated §13–38–101). Each political party shall elect at each primary election one person of each sex to serve as committeemen for each election precinct (§ 13–38–201). The committeemen in each precinct shall constitute the county central committee of the respective political parties (§ 13–38–202(2)).

B. PRESIDENTIAL PREFERENCE PRIMARY
In the years in which a President of the United States is to be elected, a presidential preference primary election will be held on the first Tuesday after the first Monday in (§ § 13–10–107(1), 13–10–401) June (June 3, 2008). The presidential primary is an open primary. The regular party primary ballots shall be used for the presidential preference primary election. The presidential section of the ballot shall be placed before any other section, national, state, or local (§ 13–10–402). The presidential preference ballot shall list all candidates nominated in accordance with the provisions of this part and shall, in addition, include a presidential ballot position which shall be designated as "no preference" and a blank write-in space (§ 13–10–403).

Before a presidential candidate may qualify for placement on the ballot, he must either be nominated on petitions with the verified signatures of at least 500 qualified electors, for which the Secretary of State is empowered to prescribe the form and content, or have submitted a declaration for nomination to the Secretary of State pursuant to § 13–10–201, where the Secretary of State has determined, by the time that declarations for nomination are to be filed, that the candidate is eligible to receive payments pursuant to the federal Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031, et seq., or done both (§ 13–10–404). Declarations for nomination must be filed no sooner than 135 days before the election in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election (§ 13–10–201(6)). The filing period opens at 8:00 a.m., January 24, 2000 and closes at 5:00 p.m., March 23, 2000. Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures and must forward the petitions to the Secretary of State. The petitions must be submitted to the election administrator at least before the filing deadline. No filing fee is required (§ 13–10–405). The method of selection of delegates to national presidential nominating conventions is to be set by party rules. The use of the results of the presidential preference primary election by the political parties in their delegation selection systems is discretionary and is to be determined by party rules (§ 13–10–407).

C. STATUTORY INSTRUCTIONS

None.

NEBRASKA

Delegates to National Conventions:
Democratic: 31
Republican: 33

A. MANNER OF SELECTION

The statewide primary shall be held on the first Tuesday after the second Monday in May in even-numbered years for electing delegates to the county, state, and national political party conventions (Nebraska Revised Statutes Annotated, § 32–401).

In each presidential election year, the total number of delegates and alternate delegates representing this state at the national conventions of the political parties and their method of selection or election shall be determined by the rules of the national political party holding the convention (§ 32–703).

The filing form for nomination of a candidate for election as a delegate to the national convention of a political party shall (1) contain a statement of the candidate's preference for the candidacy for the office of President of the United States or that he or she is uncommitted, (2) include a pledge that the candidate, if elected, will use his or her best efforts at the convention for the candidate indicated as his or her pref-

erence for the office of President until (a) such candidate receives less than thirty-five percent of the votes for nomination by such convention or releases the delegate from such pledge or (b) two convention nominating ballots have been taken, and (3) be filed with the Secretary of State. No filing form for nomination shall be accepted unless signed by the candidate. The Secretary of State shall prescribe the filing form for nomination (§ 32–704).

The Secretary of State shall issue certificates of election to persons elected as delegates to national conventions of the political parties. The certificate shall show the number of votes received in the state by each candidate of the political party for President represented by such delegate (§ 32–705).

Alternate delegates to the national political convention of a political party shall be selected in accordance with procedures adopted by the state central committee of each political party. A statement setting forth such procedure and certifying its adoption shall be filed in the office of the Secretary of State by the state chairperson of the political party not later than February 15 of each presidential election year. The names of those selected as alternate delegates shall be certified to the Secretary of State by the state chairperson immediately following their selection (§ 32–706).

B. PRESIDENTIAL PREFERENCE PRIMARY

In each presidential election year, the statewide primary shall be held on the first Tuesday after the second Monday in May in even-numbered years for voting on a preference for President of the United States (May 13, 2008) (§ 32–401).

Any political party may, by the adoption of a rule, require that any individual whose name is placed on such party's partisan primary election ballot be a registered voter affiliated with such party (§ 32–702).

Any petition to place a person's name on the primary election ballot for President of the United States shall contain the names of not less than one hundred voters registered with the appropriate political party from each congressional district of the state. The name of the candidate for President shall be placed upon the ballot only when written consent of such person has been filed with the Secretary of State not less than sixty days before the primary election. The form of the petition shall comply with the requirements of section 32–628 and shall as nearly as possible conform to the form prescribed by the Secretary of State (§ 32–613).

The names of persons in the political party (1) who are presented by petition of their supporters to be party candidates for President of the United States or (2) who have been determined by the Secretary of State to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the primary election ballot for the office of President of the United States (§ 32–614).

When candidates for the office of President of the United States are to be nominated, every registered voter of a political party shall have the opportunity to vote his or her preference on his or her party nominating ballot for his or her

choice for one person to be the candidate of his or her political party for President of the United States (§ 32–701).

C. STATUTORY INSTRUCTION

The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of the Election Act, including ballot preparation, separation of ballots, and ballot instructions, to comply with and carry out the intent of national political party rules and court decisions. Whenever the act is in conformity with national political party rules as to the election of delegates, the election procedures found in the act shall be followed. The state political party shall furnish a copy of the national political party rules regarding selection of delegates to the Secretary of State no later than February 1 of each presidential election year (§ 32–703).

NEVADA

Delegates to National Conventions:
Democratic: 33
Republican: 34

A. MANNER OF SELECTION

Delegates and alternates to national conventions of the political parties are selected by the State conventions of the respective political parties. The State convention shall also, if consistent with the rules and regulations of the party, select the national committeeman and committeewoman of the party. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and places as the State central committee of the party shall designate; or if an earlier date is not designated, then 30 days before the date set for the national convention (Nevada Revised Statutes, § 293.163).

At a time and date set by the respective State central committees in each year in which a general election is to be held, the delegates so elected to each party county convention shall convene as the county central committee shall designate, and there organize, elect the delegates to which the registered voters of the party residing in the county are entitled in the state convention of the party, and also elect the members of the county central committee of their party for the ensuing term (§ 293.140).

The number of delegates to the State convention of each party which shall be chosen at each county convention of such party shall be one delegate for each 150 registered voters of that party, or major fraction of such number residing in such county; but each county shall be entitled to at least one such delegate (§ 293.145).

Delegates to county conventions are elected by ballot at mass meetings in each voting precinct. The county central committees of the political parties call for mass precinct meetings to be held on or before the fifth day preceding the dates set by the respective State central committees for the holding of county conventions (§ § 293.130, 293.133, 293.135, 293.140, 293.163).

B. PRESIDENTIAL PREFERENCE PRIMARY
None.

C. STATUTORY INSTRUCTIONS
None.

NEW HAMPSHIRE

Delegates to National Conventions:
Democratic: 30
Republican: 12

A. MANNER OF SELECTION
At every presidential primary election, the voters of the State shall vote their preference for party candidates for President and, thereby choose the delegates to each presidential nominating convention to which the State is entitled (New Hampshire Revised Statutes Annotated, § 653:5).
Each presidential candidate who has filed pursuant to RSA 655:47 shall file with the secretary of state no later than the third Friday following the last day of the filing period for the presidential primary the names and addresses in alphabetical order of the delegates and their alternates, one alternate per delegate, who shall represent the candidate as his or her delegation to the national convention (§ 653.50).
Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, or during such other time period as the Secretary of State shall announce (§ 655.47).
All delegates and their alternates selected by each candidate in the presidential primary shall file with the Secretary of State the following certification:

I, _____, certify that my domicile is in ward _____ in the city (or town) of _____, county of _____, State of New Hampshire, and am a qualified voter therein; that I am a registered member of the _____ Party; that, if selected, I shall serve as delegate or alternate to the national convention of the _____ Party next to be held for the nomination of candidates of said party for President and Vice President of the United States. I further certify that, if selected as delegate or alternate delegate, I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. I pledge myself, if selected as delegate or alternate delegate to said convention, whenever I shall vote, to vote for the nomination of (inserting the name of any person) as the candidate for said party for President so long as he shall be a candidate before said convention

(§ 655:51).

B. PRESIDENTIAL PREFERENCE PRIMARY
The presidential primary election shall be held on the second Tuesday in March or on a date selected by the Secretary of State which is 7 days or more immediately preceding the date on which any other State shall hold a similar election, whichever is earlier, of each year when a President of the United States is to be elected. The primary shall be held in connection with the regular March town meeting or election or, if held on any other day, at a special election called by the Secretary of State for that purpose (§ 653:9). The presidential primary is an open primary in which independent voters may participate if party rules permit (§ 659:14).
Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, or

during such other time period as the Secretary of State shall announce (§ 655.47). A filing fee of $1,000 is also required, but may be waived upon proof of indigence and the filing of 10 primary petitions from each county signed by registered party voters and of the candidate's written assent to candidacy: (§ 655:48).

C. STATUTORY INSTRUCTIONS

All delegates and their alternates selected by each candidate in the presidential primary must certify and pledge that they will vote for the nomination of such candidate for said party for President so long as he shall be a candidate before the national convention (§ 655:51).

NEW JERSEY

Delegates to National Conventions:
Democratic: 127
Republican: 52

A. MANNER OF SELECTION

Presidential primary elections for delegates and alternates to national conventions of political parties shall be held in each presidential year on the Tuesday next after the first Monday in February (February 5, 2006) (New Jersey Statutes Annotated, § 19:2–1).

The chairman of the State committee of each political party shall notify the Attorney General, on or before December 20 of that preceding year, of the number of delegates-at-large and the number of alternates-at-large to be elected to the next national convention of such party by the voters of the party throughout the State, and also of the number of delegates and alternates to be chosen to such convention in the respective congressional districts or other territorial subdivisions of the State as mentioned in such notification (§ 19:24–1).

Candidates for election as delegates or alternates to the national conventions of political parties shall be nominated by petition in the manner provided for the nomination of candidates to be voted for at the primary election for the general election (§ 19:24–3). Not less than 100 members of each such political party may file with the Attorney General at least 57 days prior to the presidential primary election in any year of a national convention a petition requesting that the name of a person therein indorsed shall be printed on the presidential primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large, to be chosen by the party voters throughout the State to the national convention of that party, or as a delegate or alternate to be chosen to that convention by the voters of any congressional district (§ 19:24–4).

Candidates for the position of delegate or alternate may be grouped together, if they so request in their petitions, and may also have the name of the candidate for President whom they favor placed opposite their individual names or opposite such groups, if they so request in their petitions and if the written consent of such candidate for President is endorsed upon their petitions, under the caption "Choice for Presi-

dent" (§ 19:24–5). A vote for the group shall be tallied as a separate vote for each of the candidates for delegate and alternate listed in the group (§ 19:24–6).
Notwithstanding any provision of this Title, national and State party rules shall govern the selection of delegates and alternates to national party conventions, provided the State chairman of the political party notifies the Attorney General prior to December 20 of the year preceding each presidential election or January 1 of every other year, as the case may be, in which delegates and alternates are elected of the applicable party rules governing the delegate selection process. The Attorney General shall notify the county clerks prior to December 20 of the year preceding each presidential election or January 10 of every other year, as the case may be, in which delegates and alternates are elected of the applicable party rules, if any, which apply to matters within their jurisdiction. Pursuant to this section, the Attorney General shall issue to the county clerks uniform regulations governing the delegate selection process (§ 19:24–2).

B. PRESIDENTIAL PREFERENCE PRIMARY

Primary elections for the general election shall be held in each year on the Tuesday next after the first Monday in June (June 3, 2008) (§ 19:2–1). Not less than 100 members of each such political party may file with the Attorney General at least 57 days prior to the presidential primary election in any year of a national convention a petition requesting that the name of a person therein indorsed shall be printed on the presidential primary ticket of such political party as candidate for the position of delegate-at-large or alternate-at-large, to be chosen by the party voters throughout the State to the national convention of that party, or as a delegate or alternate to be chosen to that convention by the voters of any congressional district (§ 19:24–4).
Not less than one thousand voters of any political party may file a petition with the Attorney General on or before the 57th day before a presidential primary election, requesting that the name of the person indorsed therein as a candidate of such party for the office of President of the United States shall be printed upon the official presidential primary ballot of that party for the then ensuing election for delegates and alternates to the national convention of such party. The petition shall be prepared and filed in the form and manner herein required for the indorsement of candidates to be voted for at the primary election for the general election, except that the candidate shall not be permitted to have a designation or slogan following his name, and that it shall not be necessary to have the consent of such candidate for President indorsed on the petition (§ 19:25–3). The Attorney General shall certify the names so indorsed to the county clerk of each county not later than the 48th day before such presidential primary election (§ 19:25–4). No designation or slogan shall be printed on any ballot to be used at the primary in connection with any candidate or group of candidates for office, which designation or slogan includes or refers to the name of any other person unless the written consent of such other person has been filed with the petition of nomination

of such candidate or group of candidates (§ 19:23–25.1). The signers to petitions for "Choice for President" or delegates and alternates to national conventions may name three persons in their petition as a committee on vacancies (§ 19:23–12).

C. STATUTORY INSTRUCTIONS

None.

NEW MEXICO

Delegates to National Conventions:
Democratic: 38
Republican: 32

A. MANNER OF SELECTION

Upon the completion of the State canvass of the results of the presidential primary, the Secretary of State shall certify to the State chairman of each political party participating in the primary and to the credentials committee of the national convention of each such political party, the names of all candidates and uncommitted category and the total vote and the percentage of the total vote of such candidates or uncommitted category received. Each political party shall select as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party (New Mexico Statutes Ann., § 1–8–60).

B. PRESIDENTIAL PREFERENCE PRIMARY

In the year in which the president and vice president of the United States are to be elected, the registered voters of this state shall be given an opportunity to express their preference for the person to be the presidential candidate of their party in either a presidential primary election or in accordance with the selection procedure for presidential candidates of each voter's party (§ 1–8–54).

The presidential primary election shall be held on the first Tuesday in June, the same date as the primary election is held in the State (June 3, 2008) (§ 1–8–11). The presidential primary is a closed primary (§ 1–12–7). There shall be convened in Santa Fe a committee consisting of the Chief Justice of the Supreme Court, as chairman, the Speaker of the House of Representatives and the Minority Floor Leader of the House of Representatives, the President pro tempore of the Senate, the Minority Floor Leader of the Senate and the state chairmen of those major political parties participating in the presidential primary. This committee shall nominate as presidential primary candidates and certify to the Secretary of State not later than February 15 before the presidential primary election the names of all those generally advocated and nationally recognized or supported by any major political party in the state as candidates of the major political parties participating in the presidential primary for the office of President (§ 1–8–56).

No later than 5:00 p.m. on the thirtieth day following the nominations by committee, any person seeking the endorsement by the national political party for the office of President or any group organized in the State on behalf of and

with the consent of such person may submit to the Secretary of State a petition on a form prescribed and furnished by the Secretary of State to have such candidate's name printed on the presidential primary ballot. The petition shall be signed by a number of registered voters in each of the congressional districts equal to not less than two percent of the total number of votes for President cast in each district at the last preceding presidential election (§ 1–8–57).

The secretary of state shall contact each person who has been nominated by the committee or by petition and notify him in writing by certified mail, with return receipt requested, that his name will be printed as a candidate on the New Mexico presidential primary ballot unless he requests in writing otherwise at least fifty days prior to the election (§ 1–8–58).

C. STATUTORY INSTRUCTIONS

The vote of the delegates or their alternates to the national convention from each such political party from New Mexico shall be cast on the first presidential nomination ballot of the national convention by the chairman of the delegation. The manner of casting the vote of each party delegation shall be as follows:

(1) each candidate and the uncommitted category shall be entitled to a share of the total vote allotted to the delegation that is equal to the proportion that the vote he received in the presidential primary bears to the total combined vote received by all qualified candidates; provided that no candidate shall be excluded who has received at least fifteen percent of the total vote cast for candidates for President of that party, and no candidate shall be excluded in violation of any political party rule; and

(2) the method used to compute the total votes allowed to a candidate or the uncommitted category shall be determined by the party rules on file in the office of the Secretary of State.

The provisions of this section with regard to the manner of voting by the New Mexico delegations at the national party conventions apply only to the first nominating ballot cast at such conventions. Such delegations may be released prior to the first ballot from voting in the manner provided by this section upon death of the candidate or upon his written unconditional release of such votes allotted to him. Any votes so released shall be cast in the manner of votes allotted to the uncommitted category (§ 1–8–60).

No person selected as a delegate or alternate shall qualify to attend the national convention of his political party unless he files with the state chairman of his political party at least fifteen days prior to the convening of the applicable national party convention a written declaration of acceptance, signed by himself, in the form herein prescribed and the state chairman deposits this declaration of acceptance in the office of the secretary of state no later than ten days before convening of the applicable national convention. The declaration of acceptance shall be in the form of an affidavit and shall contain the name, residence and post office address of the delegate or alternate delegate; a statement that he is a reg-

istered voter in New Mexico affiliated with the political party for which he is a delegate or alternate and that he was a registered voter and affiliated with that party on the day of the governor's primary election proclamation in the year in which he is a delegate to the national convention; a statement that he accepts his selection as a delegate or alternate to the national convention; and if delegates are pledged to specific candidates for the office of president, a pledge to vote as required by § 1–8–60. Any delegate representing the uncommitted category may vote for any candidate at the national convention or remain uncommitted (§ 1–8–61).

NEW YORK
Delegates to National Conventions:
Democratic: 280
Republican: 101

A. MANNER OF SELECTION
Delegates and alternates to a national convention of a party shall be elected from congressional districts, or partly from the state at large and partly from congressional districts, as the rules of the state committee may provide. Such delegates and alternates from the state at large shall be elected by the state committee or by a state convention of the party, as the rules of the state committee shall prescribe. District delegates and alternates to national party conventions and delegates, and alternates, if any, to such a state convention shall be elected at a primary. All delegates and alternates to a national party convention shall be enrolled members of such party.
When any such rule provides for equal representation of the sexes, the designating petitions and primary ballots shall list candidates for such party positions separately by sex (New York Election law § 2–122).
The rules of the state committee of a party may provide that the delegates and alternate delegates to a national convention or national party conference be elected by a combination of all of the following methods: by votes cast at a primary election for candidates for the office of president of the United States in which the names of candidates for such office appear on the ballot; by votes cast at a primary election for candidates for the positions of delegate and alternate delegate to a national convention in districts no larger than congressional districts; and by the state committee or a committee of the state committee at a meeting or convention called for such purpose as the rules of the party may provide (§ 2–122–a).
Petitions and certificates shall be filed in the office of the Board of Elections of the county, except as follows: for an office or position to be voted for wholly within the city of New York, in the office of the Board of Elections of that city; for an office or position to be voted for in a district greater than one county, or portions of two or more counties, in the office of the State Board of Elections (§ 6–144).
A designating petition may designate candidates for nomination for one or more public offices or for nomination for election to one or more party positions, or both, but designations

or nominations for which the petitions are required to be filed in different offices may not be combined in the same petition (§ 6–134(1)).

B. PRESIDENTIAL PREFERENCE PRIMARY

In each year in which electors of president and vice president of the United States are to be elected, an additional primary election, to be known as the winter primary, shall be held on the first Tuesday in February unless otherwise changed by an act of the legislature, for the purpose of electing delegates to the national convention (§ 8–100). The New York presidential primary is a closed primary (§ 8–302(4)). Delegates and alternates to a national convention of a party shall be elected from congressional districts, or partly from the State at large and partly from congressional districts, as the rules of the State committee may provide. Such delegates and alternates from the State at large shall be elected by the state committee or by a State convention of the party, as the rules of the State committee shall prescribe. If the rules of a national party provide for equal representation of the sexes among delegates elected from districts, such district delegates shall be elected separately by sex. District delegates and alternates to national party conventions and delegates, and alternates, if any, to such a state convention shall be elected at a primary. All delegates and alternates to a national party convention shall be enrolled members of such party. When any such rule provides for equal representation of the sexes, the designating petitions and primary ballots shall list candidates for such party positions separately by sex (§ 2–122).

C. STATUTORY INSTRUCTIONS

If the rules of a state committee, adopted pursuant to the provisions of this section, provide that the positions of delegate and alternate delegate to a national convention appear on the ballot, designation of candidates for such positions shall be made pursuant to the provisions of sections 6–100, 6–118, 6–122, 6–130, 6–132 (except that references to a committee to fill vacancies shall be deemed references to a committee to receive notices), 6–134, 6–144, the provisions with respect to declinations in subdivisions one and two of section 6–146 (except that references to a committee to fill vacancies shall be deemed references to a committee to receive notices), 6–147, 6–154, and subdivision one and the provision with respect to declinations in subdivision two and subdivision three of section 6–158 of this chapter. Candidates for the positions of district delegate and alternate district delegate to a national party convention pursuant to the provisions of this section shall be enrolled members of such party and residents of the district in which they are candidates. Designating petitions for candidates for such positions must be signed by at least five hundred enrolled voters of the party residing in the district in which such candidates are designated, or by at least one-half of one percent (0.5%) of the then enrolled voters of such party in such district, whichever is less. The designating petition for any such candidate or candidates shall have printed thereon prior to the affixing of

any signatures thereto, a legend naming the presidential candidate whom such candidates are pledged to support, or a legend that such candidates are uncommitted. Such legend shall be part of the title of such position. No designating petition containing the names of more than one candidate for either such position shall be valid unless all such candidates for such positions have printed on such petition the legend that they are pledged to the same presidential candidate or unless all such candidates for such positions have printed on such petition the legend that they are uncommitted. No designating petition containing the names of more than one candidate for either such position shall be presumptively valid unless the candidates for delegate as a group and the candidates for alternate as a group are equally divided between males and females, with a variance no greater than one. In the event that a designating petition is filed for candidates for such positions listed as pledged to support a presidential candidate or as uncommitted, and the name of such presidential candidate, or the word uncommitted, will not appear on the ballot at the winter primary election in 2008, then the petition designating such candidates for such positions shall be null and void and the names of such candidates for such positions shall not appear on the ballot. Every board of elections with which designating petitions are filed pursuant to the provisions of this section shall, not later than four days after the last day to file such petitions, file with the state board of elections by express mail or by electronic transmission, a complete list of all candidates for delegate and alternate delegate together with their residence addresses, the districts in which they are candidates and the name of the presidential candidate whom they are pledged to support or that they are uncommitted. Such boards of elections shall, not later than the day after a certificate of declination or substitution is filed with respect to any such candidate file such information with respect to such candidate with the state board of elections by electronic transmission. The rules of a state committee adopted pursuant to the provisions of this section may provide that no candidate for the positions of delegate and alternate delegate may appear on the ballot as pledged to support a particular presidential candidate, or as uncommitted, unless the name of such candidate for such position appears on a certificate listing the names of those candidates for such positions who have filed statements of candidacy for such positions with the secretary of the state committee within the time prescribed by such rules and who, if their statements of candidacy contained a pledge of support of a presidential candidate, were not rejected by such presidential candidate. Such certificate shall also list the address and sex of each such candidate for delegate and alternate delegate and the district in which such candidate may appear on the ballot. Such certificate shall be filed by the secretary of such state committee, with the board of elections with which the designating petitions for such candidates for such positions are required to be filed, not later than December eighteenth, two thousand seven. In the event that a designating petition for candidates for such positions, listed as pledged to support a presidential candidate, contains the

names of one or more persons who have not been permitted by such presidential candidate to appear on the ballot as so pledged pursuant to the provisions of this section, then the names of such candidates shall not appear on the ballot but the names of other candidates on such petition who have been permitted by the presidential candidate to appear on the ballot, shall be placed on the ballot provided that such candidates are otherwise eligible and that such petition is otherwise valid. The state board of elections shall send a copy of the certificate required by section 4–110 of this chapter to the secretary of the state committee of each party conducting a primary pursuant to the provisions of this section. Every other board of elections with which designating petitions for delegate and alternate delegate were filed pursuant to the provisions of this section shall, not later than December thirty-first, two thousand seven, send a list of the names and addresses of those candidates who will appear on the ballot to the secretary of each such state committee (§ 2–122–a).

NORTH CAROLINA

Delegates to National Conventions:
Democratic: 110
Republican: 69

A. MANNER OF SELECTION

On the Tuesday after the first Monday in May (May 3, 2008) the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the 25th day prior to the said primary (North Carolina General Statutes, §163–213.2).

The presidential preference primary actually determines the allocation of delegates to the presidential candidates. Both the Democratic and Republican Parties actually elect delegates in a separate caucus process.

B. PRESIDENTIAL PREFERENCE PRIMARY

On May 3, 2008, North Carolina will hold a closed presidential preference primary which will be restricted to registered voters of the parties (§§ 163–213.2, 163–213.7). The State Board of Elections shall convene in Raleigh on the first Tuesday in March preceding the presidential preference primary election. At the meeting required by this section, the State Board of Elections shall nominate as presidential primary candidates all candidates affiliated with a political party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the General Statutes, who have become eligible to receive payments from the Presidential Primary Matching Payment Account, as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as amended. Immediately upon completion of these requirements, the Board

shall release to the news media all such nominees selected, provided, however, nothing shall prohibit the partial selection of nominees prior to the meeting required by this section, if all provisions herein have been complied with (§ 163–213.4).

Any person seeking the endorsement by the national political party for the office of President of the United States, or any group organized in this State on behalf of, and with the consent of, such person, may file with the State Board of Elections petitions signed by 10,000 persons who, at the time they signed are registered and qualified voters in this State and are affiliated, by such registration, with the same political party as the candidate for whom the petitions are filed. Such petitions shall be presented to the county board of elections 10 days before the filing deadline and shall be certified promptly by the chairman of the board of elections of the county in which the signatures were obtained and shall be filed by the petitioners with the State Board of Elections no later than 5:00 p.m. on the Monday prior to the date the State Board of Elections is required to meet as directed by § 163–213.4 (§ 163–213.5).

C. STATUTORY INSTRUCTIONS

Upon completion and certification of the primary results by the State Board of Elections, the Secretary of State shall certify the results to the State chairman of each political party. Each political party shall allocate delegate positions in a manner which reflects the division of votes of the party primary consistent with the national party rules of that political party (§ 163–213.8).

NORTH DAKOTA

Delegates to National Conventions:
Democratic: 21
Republican: 26

A. MANNER OF SELECTION

State party conventions are to be held in each presidential election year at a place and time designated by the State party committees. The State party convention is required to elect the requisite number of delegates and alternates to the national party convention. The candidate or candidates for endorsement or election shall be declared endorsed or elected pursuant to the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of endorsement or election. If any delegate to the national convention is unable to attend that convention, he shall designate, in writing, one of the alternates to attend and represent and act for him. The names of the candidates nominated for presidential electors shall be certified by the chairman and secretary of the convention to the Secretary of State to be placed upon the general election ballot as provided by law (North Dakota Century Code, § 16.1–03–14).

B. PRESIDENTIAL PREFERENCE PRIMARY

Repealed.

C. STATUTORY INSTRUCTIONS
None.

OHIO

Delegates to National Conventions:
Democratic: 161
Republican: 88

A. MANNER OF SELECTION
Delegates and alternates to a national party convention are elected at primaries held on the first Tuesday after the first Monday in March (March 4, 2008). Candidates for delegate and alternate shall be qualified and the election shall be conducted in the manner prescribed in this chapter for the nomination of candidates for State and district offices, except as provided in § 3513.151 of the Revised Code and except that whenever any group of candidates for delegate at large or alternate at large, or any group of candidates for delegates or alternates from districts, file with the Secretary of State statements as provided by this section, designating the same persons as their first and second choices for President of the United States, such a group of candidates may submit a group petition containing a declaration of candidacy for each of such candidates. The group petition need be signed only by the number of electors required for the petition of a single candidate. No group petition shall be submitted except by a group of candidates equal in number to the whole number of delegates at large or alternates at large to be elected or equal in number to the whole number of delegates or alternates from a district to be elected (Ohio Rev. Code Ann., § 3513.12).
Political parties shall be eligible to elect delegates and alternates to national conventions or conferences of their respective political parties, other than conventions provided for in § 3513.12 of the Revised Code, if they notify the Secretary of State that they will elect such delegates. Such notification must be made prior to the ninetieth day before the day of the primary election which occurs in any year at which national convention or conference delegates and alternates are elected. Petitions of candidacy for such delegates shall be filed in the form and manner provided by the Secretary of State. Any political party electing delegates to a national convention or conference under this section in an odd-numbered year in which a statewide primary election is not otherwise required shall pay all expenses of that election (§ 3513.122).

B. PRESIDENTIAL PREFERENCE PRIMARY
The primary is held on the first Tuesday after the first Monday in March of 2000 and every fourth year thereafter (March 4, 2008) (§ 3513.01). The presidential primary is an open primary. Candidates for delegate and alternate shall be qualified and the election shall be conducted in the manner prescribed in this chapter for the nomination of candidates for state and district offices, except as provided in section 3513.151 [3513.15.1] of the Revised Code and except that whenever any group of candidates for delegate at large or alternate at large, or any group of candidates for delegates or

alternates from districts, file with the secretary of state statements as provided by this section, designating the same persons as their first and second choices for President of the United States, such a group of candidates may submit a group petition containing a declaration of candidacy for each of such candidates. The group petition need be signed only by the number of electors required for the petition of a single candidate (§ 3513.12).

C. STATUTORY INSTRUCTIONS

Each person seeking to be elected as delegate or alternate to the national convention of his political party shall file with his declaration of candidacy and certificate a statement in writing signed by him in which he shall state his first and second choices for nomination as the candidate of his party for the presidency of the United States. The Secretary of State shall not permit any declaration of candidacy and certificate of a candidate for election as such delegate or alternate to be filed unless accompanied by such statement in writing. The name of a candidate for the presidency shall not be so used without his written consent.

A person who is a first choice for President of candidates seeking election as delegates and alternates shall file with the Secretary of State, prior to the day of the election, a list indicating the order in which certificates of election are to be issued to delegate or alternate candidates to whose candidacy he had consented, if fewer than all of such candidates are entitled under party rules to be certified as elected. Each candidate for election as such delegate or alternate may also file along with his declaration of candidacy and certificate a statement (§ 3513.12).

OKLAHOMA

Delegates to National Conventions:
Democratic: 47
Republican: 41

A. MANNER OF SELECTION

The delegates are to be chosen after the presidential preference primary (February 5, 2008) and are to be proportionately allotted to presidential candidates based on the presidential primary vote (Oklahoma Statutes Annotated, § 20–104).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preferential primary for recognized political parties shall be held on the first Tuesday in February in each of the years in which the President and Vice President of the United States are to be elected (February 5, 2008) (§ 20–101). The presidential primary is a closed primary. Candidates for the nomination for President of the United States shall file with the Secretary of the State Election Board. Said candidates shall be members of political parties recognized under the laws of the State of Oklahoma and shall have filed a statement of candidacy with the Federal Election Commission and shall have raised and expended not less than five thousand dollars ($5,000.00) for said office.

The candidates shall be required to swear an oath or affirm that they meet the aforementioned qualifications, and their signatures shall be witnessed by a notary public. Said filing beginning at 8:00 a.m. on the first Monday in December and ending at 5:00 p.m. on the next succeeding Wednesday, or at a time prescribed by the State Election Board for a presidential preferential primary to be held on a date other than the first Tuesday in February. A statement of candidacy must be accompanied by a petition supporting a candidate's filing signed by one percent (1%) of the registered voters in each congressional district eligible to vote for a candidate or one thousand (1,000) registered voters in each congressional district eligible to vote for a candidate, whichever is less, as reflected by the latest January 15 registration report; or by a cashier's check or certified check in the amount of two thousand five hundred dollars ($2,500.00). Said check shall be forfeited unless a candidate receives more than fifteen percent (15%) of the votes cast. The State Election Board shall cause the names of all candidates who have filed within the proper time to be printed on the official ballots. The ballots shall be prepared as provided for by law. Voters shall be restricted to one vote for the candidate of his choice of the political party in which the voter is registered (§ 20–102).

Upon the completion of the State canvass of the results of the presidential preferential primary, the Secretary of the State Election Board shall certify to the State chairman of each political party which has candidates participating in the primary:

1. the names of the party's candidates and the votes each received, by congressional district as well as statewide; and
2. the total of the votes cast in the political party, by congressional district as well as statewide. Each candidate shall be awarded delegates by congressional districts proportionately, by the ratio of votes they received to the total votes cast in said congressional district; provided however, no delegates shall be awarded to any candidate receiving less than fifteen percent (15%) of the vote, and such votes shall be allocated among the other candidates in proportion to their total vote. If no candidate receives fifteen percent (15%) or more of the vote, then the candidate receiving the highest number of votes in that district shall be awarded all the delegates from that district. The candidate receiving the largest number of votes statewide shall be awarded all delegate votes authorized by the national committee of the political party which are selected as the at-large delegates at the State convention of said party. If the political parties involved in the primary elections will not accept the minimum threshold, or have a different method of allocating the votes of all candidates falling below such threshold, either as to the congressional districts or statewide vote, then these matters may be governed by the respective political parties involved. Votes shall be allocated on a basis of not less than one-half (½) delegate vote or the minimum allowed by the national party rules. Each political party shall then select, by a method to be determined by the party, as many delegates to the national party convention as are allotted it by the national committee of that party. No later than 5:00 p.m.

on the tenth day of January, the Attorney General shall submit to the Secretary of the State Election Board notice of the manner in which results of the next following presidential preferential primary are to be certified and to whom said results are to be certified. The State Election Board shall certify results according to the manner prescribed in the notice. The Attorney General shall be required to provide said notice in such a way as to be consistent with the methods required by the recognized political parties relative to selection of delegates to their national conventions (§ 20–104).

C. STATUTORY INSTRUCTIONS

Each delegate or alternate delegate to the national convention of his political party shall cast their vote on all ballots for the candidate who received this State's vote. If that candidate is for any reason no longer a candidate, the votes of the Oklahoma delegation shall be cast for any candidate of their choice (§ 20–104(G)). No person selected as a delegate or alternate delegate shall qualify to attend the national convention of his political party unless he files with the State central committee of his party a signed affidavit of acceptance stating his name, address, that he is a registered voter of the political party and, pursuant to effectuating the purpose and the result of the presidential preferential primary in this State, that he pledges himself to vote for the winning candidate. Any vote cast by a delegate which is not in accordance with his delegate pledge shall be void (§ 20–105).

OREGON

Delegates to National Conventions:
Democratic: 62
Republican: 30

A. MANNER OF SELECTION

After a presidential preference primary election, each major political party by convention shall select delegates to the national convention of that party. Delegates to the national convention of a party shall be selected in the manner provided by party rules, which shall provide all electors registered as members of the party equal opportunity to participate in the selection of delegates.

Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential preference primary election. Each person selected as a delegate shall sign a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until:

(a) the candidate is nominated at the convention;
(b) the candidate receives less than 35 percent of the votes for nomination at the convention;
(c) the candidate releases the delegate from the pledge; or
(d) two convention nominating ballots have been taken (Oregon Revised Statutes, § 248.315).

B. PRESIDENTIAL PREFERENCE PRIMARY

The primary election shall be held on the third Tuesday in May of each even-numbered year (May 20, 2008) (§ 254.056).The name of a candidate for a major political party nomination for President of the United States shall be printed on the ballot only: By direction of the Secretary of State who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or by nominating petition described in this section and filed with the Secretary of State.

A petition nominating a candidate under this section shall contain from each congressional district the signatures of at least 1,000 electors who are registered in the district and who are members of the major political party of the candidate. The electors in each congressional district shall include electors registered in at least 5 percent (5%) of the precincts in each of at least one-fourth of the counties in the congressional district. The petition shall contain the printed name, residence or mailing address and name or number of the precinct, if known, of each elector whose signature appears on the petition. The signatures shall be certified for genuineness by the county clerks under ORS 249.008. Before circulating the nominating petition, the chief sponsor shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the Secretary of State not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:

(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.

(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid (§ 249.078).

C. STATUTORY INSTRUCTIONS

Delegates to the national convention of the party shall be selected so that the number of delegates who favor a certain candidate shall represent the proportion of votes received by the candidate in relation to the other candidates of that party at the presidential preference primary election. Each person selected as a delegate shall sign a pledge that the person will continue to support at the national convention the candidate for President of the United States the person is selected as favoring until:

(a) The candidate is nominated at the convention;

(b) The candidate receives less than 35 percent of the votes for nomination at the convention;

(c) The candidate releases the delegate from the pledge; or

(d) Two convention nominating ballots have been taken (§ 248.315).

PENNSYLVANIA

Delegates to National Conventions:
Democratic: 181
Republican: 74

A. MANNER OF SELECTION

A primary for presidential preferences is to be held on the fourth Tuesday in April of the presidential election years, i.e., April 22, 2008 (Pennsylvania Statutes, Annotated, title 25, § 2753). Delegates and alternates to national conventions shall be apportioned, selected or elected in accordance with party rules which must be certified by the party secretary and filed with the Secretary of the Commonwealth at least thirty days prior to the first day on which nomination petitions may be circulated (§ 2838.1). Where delegates are elected through the primary, candidates must file nomination petitions signed by registered and enrolled party members and the presidential candidate the delegate seeks to represent (§ 2867). The presidential candidate must notify the Secretary of the Commonwealth that he authorizes the delegates and alternate delegates to pledge their support to him. Such notice must be on a form prescribed by the Secretary and must be received by the Secretary at least fifteen days prior to the first day on which the nomination petitions may be circulated (§ 2839.1) Petitions may not be circulated prior to the thirteenth Tuesday before the primary (§ 2868) and must be filed with the Secretary of the Commonwealth on or before 5:00 p.m. on the tenth Tuesday before the primary (§ 2873). Candidates must also file with their petitions affidavits showing residence, election district, that he or she is a registered party member, to whom he or she is committed, if committed or "uncommitted" and certain other information (§ 2870). The petition may also include a statement of delegate commitment to a presidential candidate (§ 2871).

B. PRESIDENTIAL PREFERENCE PRIMARY

A primary for the expression of presidential preferences and the election of delegates and alternates to the national convention, if so provided in party rules, will be held on the fourth Tuesday of April (April 22, 2008) in presidential election years (§§ 2862, 2753). The presidential primary is a closed primary.

The names of candidates for nomination as President of the United States, and the names of all other candidates for party nominations, and for election as delegates, alternate delegates, members of the committees and other party officers, shall be printed upon the official primary ballot labels of a designated party, upon the filing of separate nomination petitions in their behalf, in form prescribed by the Secretary of the Commonwealth, signed by duly registered and enrolled members of such party who are qualified electors of the State, or of the political district, as the case may be, within which the nomination is to be made or election is to be held. Nomination petitions of delegates and alternate delegates to National conventions committed to support a particular presidential candidate must be signed by the particular presidential candidate to whom support is pledged be-

fore it can be certified by the Secretary of the Commonwealth. The name of no candidate shall be placed upon the official ballots or ballot labels of a political party to be used at any primary, unless such petition shall have been filed in his behalf. In no event shall any person's name be printed upon the official ballots or ballot labels of any party for the office of delegate, alternate delegate, member of committee or other party officer, unless he is a duly registered and enrolled member of said party. (§ 2867).

Candidates for nomination as President of the United States are to present a nominating petition containing signatures of 2,000 registered and enrolled party members. (§ 2872.1). A filing fee of $200 is also required (§ 2873). All nomination petitions are to be filed on or before the tenth Tuesday prior to the primary (§ 2873(d)). A political party may have a "no preference" column added on the primary election ballot (§ 2962(d)).

C. STATUTORY INSTRUCTIONS

Delegate candidates in the primary may sign a general pledge to support a candidate for nomination (§ 2871). Whenever the rules of a party provide that a candidate for delegate or alternate delegate to a national convention of a political party and may pledge his support to a presidential candidate, he shall be committed to support and vote for the nomination of that candidate as President as party rules provide, the notation of which shall be printed upon the ballot. No candidate for delegate or alternate delegate shall make a commitment unless he has obtained prior authorization to do so from the presidential candidate to whom he is pledging support. No candidate for delegate or alternate delegate shall be allowed to commit himself to any presidential candidate nor shall the Secretary of the Commonwealth cause any notation of commitment to be printed on any ballot unless the presidential candidate forwards notice to the Secretary of the Commonwealth, upon a form prescribed by the Secretary, that he is a candidate for the nomination of President of the United States and that he authorizes delegates and alternate delegates to pledge their support and commit themselves to him. This notice must be received by the Secretary at least fifteen days prior to the first day on which nomination petitions may be circulated for the offices which are to be filled at the spring primaries in the years in which candidates for the President of the United States are to be nominated. Nomination petitions for delegates committed to particular presidential candidates shall be obtained only from the presidential candidate or his duly authorized representative who is certified by the Secretary of the Commonwealth as being authorized by the candidate to distribute nomination petitions bearing his name. (§ 2839.1)

RHODE ISLAND

Delegates to National Conventions:
Democratic: 32
Republican: 20

A. MANNER OF SELECTION

Delegates to national conventions are selected in a primary election to be held on the first Tuesday in March (March 4, 2008) (Rhode Island General Laws, § 17–12.1–1). At the presidential preference primary there shall be elected such number of delegates and alternates from congressional districts as determined by party rules certified to the Secretary of State by the chairman of the State committee on or before the first Tuesday in January preceding the primary (§ 17–12.1–2). Candidates for delegate must sign and file a declaration of candidacy on forms provided by the Secretary of State during the period between January 2 and January 12 (§ 17–12.1–3). The Secretary of State is to provide declared candidates with nomination papers to be signed by at least 150 party voters (§ 17–12.1–6) and submitted to the local board of the city or town, where the signers appear as voters, for verification on or before 4 p.m. of the 35th day prior to the primary. The local board files the papers with the Secretary of State. Delegate candidates may also submit to the Secretary of State documentation of approval from presidential candidates on or before 4 p.m. on the 30th day prior to the primary (§ 17–12.1–7).

The ballot is to be prepared to clearly show the presidential preference or uncommitted status of delegate candidates (§ 17–12.1–11). The number of delegates and the designation of winning delegates shall be determined pursuant to the rules of such political party filed with the Secretary of State as provided by this chapter (§ 17–12.1–9).

B. PRESIDENTIAL PREFERENCE PRIMARY

Delegates and alternates to the national convention are elected in a primary held on March 4, 2008. The Rhode Island primary is an open primary. The Secretary of State shall announce ten days prior to the first day for filing of declaration of candidacy by delegates, the names of those bona fide national candidates for presidential nominee known to him and on or before said date of announcement, shall by registered mail duly notify such candidates of his intent to place their names on the ballot (§ 17–12.1–8).

Any person seeking the endorsement of a national political party for which a primary is being held shall, between November 15 and November 30, by 4 p.m. in the year prior to the year in which the presidential preference primary is being held provide written notification to the Secretary of State of his or her intention to run in the primary. The candidate must submit petition papers signed by at least 1,000 eligible voters on or before 4 p.m. of the 74th day before the primary to the local board of the city or town where the signers appear to be voters.

If any candidate whose name has been announced as a presidential nominee does not thereafter wish his name to appear on the ballot, he shall at least thirty days prior to the date for the primary, file an affidavit with the Secretary of State stating his name may not be placed on the ballot. Names of delegates committed to such withdrawn candidate, who are otherwise qualified, shall appear on the ballot as uncommitted (§ 17–12.1–4).

C. STATUTORY INSTRUCTIONS

None.

SOUTH CAROLINA

Delegates to National Conventions:
Democratic: 54
Republican: 24

A. MANNER OF SELECTION

Party conventions or party primary elections held by political parties certified as such by the State Election Commission under the provisions of this Title to nominate candidates for any of the offices to be filled in a general or special election shall be conducted in accordance with the provisions of this Title and in accordance with party rules not in conflict with the provisions of this Title or of the Constitution and laws of this State or of the United States.

A certified political party wishing to hold a presidential primary election may do so in accordance with the provisions of this title and party rules. However, nothwithstanding any other provision of this title, the state committee of the party shall set the date and the hours that the polls will be open for the presidential primary election and the filing requirements (South Carolina Code Annotated, § 7–11–20).

B. PRESIDENTIAL PREFERENCE PRIMARY

The state committee of the party shall set the date and the hours that the polls will be open for the presidential primary election and the filing requirements (§ 7–11–20).

Each county is entitled to one delegate for each six thousand residents of the county, according to the latest official United States Census, plus two additional members. If a county has a fractional portion of population of at least three thousand residents above its last six thousand resident figure it is entitled to an additional delegate. When the state convention assembles, it must be called to order by the chairman of the state committee (§ 7–9–100).

Political parties nominating candidates by primary or convention must verify the qualifications of those candidates prior to certification to the authority charged by law with preparing the ballot. The written certification rquired by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which he has filed. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which he has filed shall not be nominated and certified, and such candidate's name shall not be placed on a general, special, or municipal election ballot.

Candidates for President and Vice President must be certified not later than twelve o'clock noon on September tenth to the State Election Commission, or if September tenth falls on Sunday, not later than twelve o'clock noon on the following Monday (§ 7–13–350).

C. STATUTORY INSTRUCTIONS

None.

SOUTH DAKOTA

Delegates to National Conventions:
Democratic: 22
Republican: 27

A. MANNER OF SELECTION

In the years when a President of the United States is to be elected, the political parties shall elect delegates and alternates to the national convention of each political party in accordance with the provisions of §§ 12–5–3.6 to 12–5–3.15, inclusive. If delegates and alternates are not elected at large from the entire State, the constitution or bylaws shall set forth the area boundaries for representation coincident with some geographical division of the State otherwise authorized or provided by law (South Dakota Codified Laws, § 12–5–2). In the event the political party does not choose by its constitution, bylaws or its State convention the method of selecting its delegates and alternates to the national convention, it shall, at its State party convention, meeting in the even nonpresidential years, choose the method of selection from the alternatives as follows:

(a) the slate of delegates and alternates receiving the highest number of votes shall be declared elected;

(b) the total number of delegates and an equal number of alternates to the national convention shall be allocated between the two leading slates of the political party, and the same proportion of the total vote each slate received bears to the total combined votes of both slates. The appropriate number of delegates and alternates from each slate shall be deemed elected in the order in which the names appeared on the ballot; or

(c) an allocation may be made among two or more slates which grants representation proportionately to various slates receiving a number of votes stated in the constitution or bylaws of the political party to be significant for purposes of representation of either, area of the State or support for candidates, or both, which shall be stated in the constitution or bylaws. A certificate of election shall be issued by the State party chairman to each delegate and each alternate entitled thereto by allocation (§ 12–5–3.10).

In the event a political party has no prescribed method of selection of slates of delegates and alternates to its national convention, the slates of delegates and alternates to the national convention shall be elected by the primary. Names of candidates for delegates and alternates to the national convention, in number equal to the entire number of such delegates and alternates to be selected, shall be grouped in a slate under the respective designations upon a single nominating petition, which will contain a statement indicating their collective preference choice for President of the United States, if any, or that they have no preference or are uncommitted (§ 12–5–3.11).

B. PRESIDENTIAL PREFERENCE PRIMARY

The primary election on the first Tuesday after the first Monday in June of every even-numbered year (June 3, 2008) (§ 12–2–1).

The presidential primary is a closed primary. If a political party chooses to have a primary for selection of its delegates and alternates to the national convention, it shall certify the slates to the Secretary of State by the first Tuesday in March preceding the primary by five o'clock p.m. The slates certified shall be placed on the ballot by the Secretary of State and the position of the slates on the primary ballot shall be chosen by lot by the Secretary of State. The certification shall be deemed to be filed if mailed by registered mail by five o'clock p.m. on the first Tuesday in March (§ 12–5–3.8). Any candidate, committee or group supporting a candidate in any of the presidential primaries, shall, by the last Tuesday in March prior to the presidential primary election, notify the Secretary of State that they intend to have the name of the candidate placed on the presidential primary election ballot or submit a slate of candidates or both (§ 12–5–3.14).

Both major political parties will select their delegates in a separate caucus process. The national convention delegates will be proportionally allotted to the presidential candidates based on the presidential preference primary results.

C. STATUTORY INSTRUCTIONS

None.

TENNESSEE

Delegates to National Conventions:
Democratic: 85
Republican: 55

A. MANNER OF SELECTION

On the first Tuesday in February a presidential preference primary shall be held for each statewide political party to elect delegates to the national conventions of all statewide political parties (February 5, 2008) (Tennessee Code Annotated, §§ 2–13–302 and 2–13–205).

On the third Thursday in December (§ 2–5–205(c)) next preceding the election, the chair of each statewide political party will certify to the secretary of state and the coordinator of elections the number of delegates and alternates to the national convention allocated by the national party to be elected by the state party. The chair of each statewide political party will further certify to the secretary of state and the coordinator of elections: (1) The number of delegates allocated to the state party by the national party to various congressional districts within Tennessee; and (2) The number of delegates-at-large allocated by the national party to the state party. Delegates-at-large and alternates shall be elected in accordance with the rules of the respective parties. If the party executive committee decides to elect the at-large delegates and alternates, it shall meet to do so after the second Tuesday in February and before the first Tuesday in March, such election to be by open ballot of the committee members

and no secret balloting shall be permitted. Alternate delegates shall be elected proportional to the vote for delegates in the party's delegate election. All state party allocations must be in accordance with the charter, rules, and bylaws of the respective national or state party. There shall be at least three (3) delegates allocated to each congressional district unless such allocation violates the charter, bylaws or rules of the respective national political parties. Where a political party has allocated three (3) delegates from each congressional district by national party rules, at least one-third (⅓) of the at-large delegates shall be elected by popular vote on the ballot. The respective party executive committees shall meet prior to the date established in 2–5–205(c) to determine how the provisions of this section with respect to the division of delegates by district and at-large and the method of selecting at-large delegates, and the chair of each party shall certify the decisions of the executive committee to the secretary of state and the coordinator of elections. In no case shall the candidate receiving the greatest number of votes in a primary have apportioned to such candidate a lesser number of delegates than the candidate with the next greatest number of votes. If one (1) candidate with a total number of votes statewide greater than other candidates receives fewer delegates from districts than the other candidates then the at-large delegates shall be so apportioned as to reflect the percentage of the vote received by the candidate with the greatest number of votes and that candidate's competitors. (§ 2–13–303).

Candidates for election as delegates to the national convention of a political party shall qualify by filing nominating petitions no later than twelve o'clock (12:00) noon prevailing time on the second Thursday in December of the presidential election year in the office of the Secretary of State in Nashville.

Nominating petitions shall be signed by the candidate and one hundred (100) or more registered voters who are eligible to vote to fill the position.

Nominating petitions shall bear the name and address of the candidate.

The sufficiency of such petitions, including the requisite quantity and authenticity of signatures, shall be verified by the county election commission.

If the candidate does not file by the deadline specified in this section, his name shall not be printed on the ballot.

Nominating petitions for delegate candidates may be mailed to the Secretary of State and if postmarked by twelve o'clock (12:00) noon prevailing time on the second Thursday in December, shall be considered as being filed in time (§ 2–13–305). Certified copies of the original nominating petition and declaration of delegate candidacy shall be filed by the Secretary of State with the coordinator of elections, with the chairperson of the State executive committee of the candidate's party, and with the chairperson of the State election commission.

The chairperson of the State election commission shall no later than four thirty p.m. (4:30 p.m.), prevailing time, on the second Thursday in December, certify to the chairperson

of the appropriate county election commission the names of all delegate-candidates who have qualified to have their names printed on the ballot in that county (§ 2–13–310).

B. PRESIDENTIAL PREFERENCE PRIMARY

A presidential preference primary will be held on the first Tuesday in February (February 5, 2008) (§ 2–13–205). The presidential primary is an open primary.

The names of candidates for President of the United States shall be printed on the ballot for the presidential preference primary only if they were:

(1) The names of persons who the Secretary of State in his sole discretion has determined are generally advocated or recognized as candidates in national news media throughout the United States. The Secretary of State shall submit the names to the State election commission no later than the first Tuesday in December of the year in which the election will be held. If a candidate who has been certified by the Secretary of State wishes to be a candidate in the presidential primary of a party other than that for which the Secretary of State certified him, he shall signify his political party preference to the State election commission no later than twelve (12:00) noon, prevailing time, on the second Tuesday in January and his name shall be certified only for the ballot of his chosen party, as the case may be.

(2) The names of persons for whom nominating petitions, signed by at least twenty-five hundred (2,500) registered voters of the party whose nomination is sought and by the candidate, are filed not later than twelve o'clock (12:00) noon, prevailing time, on the first Tuesday in December of the year in which the election will be held. The nominating petitions shall be filed with the State election commission and certified duplicates with the coordinator of elections and with the chairperson of the candidate's party's State executive committee. No candidate may enter the presidential primary of more than one statewide political party.

The Secretary of State shall advise each of the prospective candidates by the most expeditious means available that, unless he withdraws his name by twelve o'clock (12:00) noon, prevailing time, on the second Tuesday in December of the year in which the election will be held, his name will appear on the ballot of his party in the presidential preference primary. If such a person executes and files with the State election commission an affidavit stating without qualification that he is not and does not intend to become a candidate for President in the forthcoming presidential election, his name shall not be on the ballot.

The Secretary of State shall certify to the county election commission on the second Thursday in December the names which this section requires to be on the ballot for each political party (§ 2–5–205).

On the first Tuesday in December of the year in which the election will be held, the Secretary of State shall notify all nationally recognized candidates for President that their names are to be placed on the Tennessee presidential preference primary ballot. Such notice shall also be given at the same time to all of the statewide political parties.

Any person, who is notified that his name is to be placed on such ballot and who does not desire his name to appear on such ballot, shall execute and file with the Secretary of State an affidavit stating without qualification that he is not and does not intend to become a candidate for President in the forthcoming presidential election. Such person shall file such affidavit with the Secretary of State prior to twelve o'clock (12:00) noon prevailing time on the second Tuesday in December of the year in which the election is to be held.

On the third Thursday in December, after twelve o'clock (12:00) noon prevailing time, the Secretary of State shall announce the candidates for President who shall appear on the ballot and shall issue a call for an election for the purpose of electing delegates to the national conventions of all statewide political parties. (§ 2–13–304).

In the event that a delegate-candidate is subject to the provisions of § 2–13–308(2), he shall provide the Secretary of State with the presidential candidate's written consent thereto no later than twelve o'clock (12:00) noon prevailing time at the time he files his nominating petition. In the event that such consent is not granted in writing by the presidential candidate, then the name of the delegate-candidate shall appear on the ballot as an uncommitted delegate-candidate. Each presidential candidate must consent for each district to at least one more and no more than twice the number of delegate-candidates being pledged to him than the number of delegates allocated to the district (§ 2–13–309).

Delegates elected from a congressional district shall be allocated among the presidential candidates and the uncommitted designation as proportionally as is mathematically possible to the number of votes received in the presidential preference selection within such congressional district. If the number of votes received by a presidential candidate in any congressional district is less than fifteen percent of the votes cast in such district, no delegates shall be allocated to such candidate and such votes of less than fifteen percent shall be considered as votes for the uncommitted designation (§ 2–13–313). Delegates-at-large and alternates shall be allocated among the presidential candidates or as uncommitted designation as proportionally as is mathematically possible to the proportion of the vote received by that candidate. If the total number of votes received by a presidential candidate in the State at large is less than fifteen percent of the votes cast, no delegate-at-large or alternates shall be allocated to such candidate and such votes of less than fifteen percent shall be considered as votes for the uncommitted designation (§ 2–13–314).

C. STATUTORY INSTRUCTIONS

The results of the preferential presidential primary shall be binding on the delegates to the national conventions as hereinafter provided. The delegates to the national conventions shall be bound by the results of the preferential presidential primary for the first two ballots and shall vote for the candidate whom they are pledged. The delegates shall thereafter be bound to support such candidate so long as he, not to exceed two ballots, has twenty percent of the total convention

vote or until such time the candidate of their party releases them from the results of the presidential preference primary (§ 2–13–317).

TEXAS
Delegates to National Conventions:
Democratic: 228
Republican: 140

A. MANNER OF SELECTION
The State of Texas will have a presidential preference primary on March 4, 2008 (Texas Election Code Annotated, § 41.007). The results of the presidential preference primary will determine the allocation of most of the national convention delegates who are selected in a caucus process after the primary.
If a political party holding a primary election in a presidential election year desires to send delegates to a national presidential nominating convention of the party, the party shall select the delegates at a State convention convened on any day in June of the presidential election year. Before the date of the party's precinct conventions held under Chapter 174, the party's State executive committee shall choose the date, hour, and place for the State convention. The State convention shall consist of delegates selected at the party's county and senatorial district conventions held under Chapter 174. Before the date of the party's precinct conventions, the party's State chairman shall deliver written notice of the date, hour, and place for the State convention to:
(1) the Secretary of State;
(2) each county chair of the party; and
(3) the temporary chair of each senatorial district convention of the party (§ 191.031).
If a political party not holding a primary election in a presidential election year desires to send delegates to a national presidential nominating convention of the party, the party shall select the delegates at the State convention at which the party is authorized to make nominations for State offices (§ 191.032).

B. PRESIDENTIAL PREFERENCE PRIMARY
The presidential preference primary shall be held on the second Tuesday in March in each presidential election year (March 4, 2008) (§ 41.007(c)). The presidential primary is an open primary. To be entitled to have its nominees for President and Vice President of the United States placed on the general election ballot in a particular presidential election year, a political party must hold a presidential primary election in this State if:
(1) in the presidential election year, the party is required by this code to nominate its candidates for State and county offices by primary election;
(2) a presidential primary election is authorized under national party rules; and
(3) before January 1, of the presidential election year, the national party has determined that it will hold a national presidential nominating convention that year (§ 191.001).

Candidates qualify to have their names on the presidential primary election ballot in the manner provided by party rule. If party rules provide for the filing of applications or signature petitions to qualify candidates for a place on the ballot, the filing deadline may not be later than the regular filing deadline for candidates in the general primary election. A signature on a candidate's petition is not valid unless it is that of a registered voter and is accompanied by the signer's residence address, including county, and voter registration number. A person may not sign petitions supporting more than one presidential candidate in the same primary, and, if a person does so, the person's signature is void as to all petitions he signs (§ 191.002). The State chair of each political party holding a presidential primary election shall certify the name of each presidential candidate who qualifies for a place on the presidential primary election ballot and deliver the certification to the Secretary of State not later than the 57th day before presidential primary election day (§ 191.003).

C. STATUTORY INSTRUCTIONS

Each political party holding a presidential primary election shall adopt a rule for allocating delegates based on the results of the presidential primary election. At least 75 percent of the total number of delegates who are to represent this State at the party's national presidential nominating convention, excluding delegates allocated among party and elected officials, shall be allocated in accordance with the rule among one or more of the candidates whose names appear on the presidential election ballot and, if applicable, the uncommitted status (§ 191.007).

UTAH

Delegates to National Conventions:
Democratic: 29
Republican: 36

A. MANNER OF SELECTION

No statutory provisions.

B. PRESIDENTIAL PREFERENCE PRIMARY

A Western States Presidential Primary is held the first Tuesday in February in the year in which a presidential election will be held (February 5, 2008). As a condition for using the state's election system, each registered political party wishing to participate in Utah's Western States Presidential Primary shall: (a) declare their intent to participate in Utah's Western States Presidential Primary; (b) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and (c) certify that information to the lieutenant governor no later than 5 p.m. on the June 30 of the year before the year in which the presidential primary will be held or the following business day if June 30 falls on a Saturday, Sunday, or holiday. (Utah Code Annotated, § 20A–9–802).

C. STATUTORY INSTRUCTIONS
None.

VERMONT

Delegates to National Conventions:
Democratic: 23
Republican: 17

A. MANNER OF SELECTION
Delegates and alternates to national conventions of political parties are chosen at the respective party State conventions. The State committee of each party shall call a party convention, under regulations prescribed by the committee, to be held during the month of May or June in each presidential year. At such convention, delegates and alternates to the national convention of such party to the number apportioned to their State shall be elected (Vermont Statutes Annotated, Title 17, § 2715).

B. PRESIDENTIAL PREFERENCE PRIMARY
In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March (March 4, 2008) (§ 2701).
Not later than 5:00 p.m. on the forty-seventh day before the day of the general election, the chairman of the state committee of each major political party shall certify in writing to the secretary of state the names of the presidential and vice-presidential nominees selected at the party's national convention (§ 2716).
The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least one thousand voters in accordance with sections 2353, 2354 and 2358 of this title are filed with the secretary of state, together with the written consent of the person to the printing of the person's name on the ballot. Petitions shall be filed not later than 5:00 p.m. on the third Monday of January preceding the primary election. The petition shall be in a form prescribed by the secretary of state. A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election. Each petition shall be accompanied by a filing fee of $2,000.00 to be paid to the secretary of state and deposited by the secretary of state into the general fund. However, if the petition of a candidate is accompanied by the affidavit of the candidate, which shall be available for public inspection, that the candidate and the candidate's campaign committee are without sufficient funds to pay the filing fee, the secretary of state shall waive all but $300.00 of the payment of the filing fee by that candidate (§ 2702).

C. STATUTORY INSTRUCTIONS
None.

VIRGINIA

Delegates to National Conventions:
Democratic: 103
Republican: 63

A. MANNER OF SELECTION

The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice President of the United States including a presidential primary or another method determined by the party. The state chairman shall notify the State Board of the party's determination at least ninety days before the primary date (Virginia Code Annotated, § 24.2–545(A)).

B. PRESIDENTIAL PREFERENCE PRIMARY

Primaries for the nomination of candidates for the office of President of the United States to be voted on at the November 2004 general election, and the November general election in each presidential election year thereafter, shall be held on the second Tuesday in February preceding the November general election (February 12, 2008). (§ 24.2–544).

C. STATUTORY INSTRUCTIONS

The State Board shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the state of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote. (§ 24.2–545).

WASHINGTON

Delegates to National Conventions:
Democratic: 97
Republican: 40

A. MANNER OF SELECTION

On the fourth Tuesday in May of each year in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may vote for the nominee of a major political party for the office of president (May 27, 2008) (Washington Revised Code Annotated § 29A.56.020). A major political party may, under national or state party rules, base the allocation of delegates from this state to the national nominating convention of that party in whole or in part on the participation in precinct caucuses and conventions conducted under the rules of that party. (§ 29A.56.050).

B. PRESIDENTIAL PREFERENCE PRIMARY

On the fourth Tuesday in May of each year in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may vote for the nominee of a major political party for the office of president (May 27, 2008) (§ 29A.56.020). The name of any

candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only: (1) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or (2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than the sixty days before the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least fifty-two days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of President of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year (§ 29A.56.030).

C. STATUTORY INSTRUCTIONS

None.

WEST VIRGINIA

Delegates to National Conventions:
Democratic: 37
Republican: 30

A. MANNER OF SELECTION

West Virginia will hold a presidential preference primary on May 13, 2008 (West Virginia Code § 3–5–1). The presidential primary is advisory only. Most of the delegates to the national nominating conventions are elected at the presidential primary in a separate election. At the primary election, there shall be elected by the voters of each political party of the State, in accordance with a plan adopted by the State party, persons to be delegates to the national convention of the party to be held next after the date of such primary. The plan adopted by each political party of the State shall state the method, subject to compliance with their national party rules and not inconsistent with the provisions of this section, for the election of persons in each congressional district of the State as delegates to the national convention of the party, for the election or selection of persons in each congressional district of the State as alternate delegates to the national convention of the party and for the selection of all re-

maining delegates and alternate delegates allocated to the party in their national convention. Not less than 120 days before the primary election to be held in the year one thousand nine hundred ninety-two, and in every fourth year thereafter, the governing body of each political party of the State shall certify the plan adopted by the party under signature of the State party chairman and file with the Secretary of State. Any questions regarding whether such plan was rightfully adopted by the party shall be resolved by the party based upon party rules.

(1) The voters of each political party shall elect in each congressional district the number of persons as delegates to the national convention of the party to which the district is entitled.

(2) If the rules of the national political party do not require the apportionment of delegates on the basis of their commitment for President, the persons receiving the highest number of votes as delegates in any congressional district to the number to which the district is entitled, shall be elected delegates. After the election of delegates in each congressional district to the number to which the district is entitled, the persons receiving the next highest votes in each congressional district and having qualified, as may be provided in the plan adopted by the party, shall be elected as alternate delegates to the number of alternate delegates to which the district is entitled.

(3) If the rules of the national political party require that the percentage of votes cast for the various presidential candidates determine the apportionment of committed candidates to be elected as delegates or alternates, regardless of whether such committed candidates received the highest number of votes, then the plan adopted by the political party of the state shall prescribe the number of delegates and alternates to be elected under such apportionment, the method by which the apportionment shall be made, and the method by which the secretary of state shall determine which delegates and alternates are elected. A committed candidate for delegate to national convention is one whose preference for a particular presidential candidate appears on the ballot.

(4) In the event the number of persons elected in the primary election in a congressional district is less than the number to which the district is entitled as delegates and alternate delegates to the national convention of the political party, the governing body of the political party of the state shall appoint persons from the congressional district to serve as delegates or alternate delegates to the national convention of the party unless the rules of the party otherwise provide.

(5) The number of persons which each of the congressional districts in the state are entitled to elect as delegates to the national convention of the political party shall be apportioned among the congressional districts in the same proportion to the total number of delegates to the party's national convention elected in all congressional districts in the state as the population of the congressional district bears to the total population of the state based upon the census of population taken by the bureau of the census of the United States

department of commerce in the year one thousand nine hundred ninety, and in every tenth year thereafter.
The official primary ballot at the primary election to be held in the year one thousand nine hundred ninety-two, and in every fourth year thereafter shall, following the names of all candidates for delegates to the national convention of the party, contain the words "For election in accordance with the plan adopted by the party and filed with the secretary of state." Unless and until a political party of the state has adopted and certified a plan for the election of delegates to the national convention of the party and filed the plan with the secretary of state, there shall be elected by the voters of the political party of the state at the primary election to be held in the year one thousand nine hundred ninety-two, and in each fourth year thereafter, the number of persons to which the party is entitled as delegates-at-large, and by the voters of each political party in each congressional district in the state the number of delegates to which the district is entitled. The persons receiving the highest number of votes in the state as delegates-at-large, to the number to which the state is entitled, shall be elected delegates. The persons receiving the highest number of votes as delegates in any congressional district, to the number to which the district is entitled, shall be elected delegates. Each delegate so elected shall then appoint an individual to serve as alternate delegate, and shall by registered letter notify the secretary of state of such appointment within forty days after the primary election (§ 3–5–2).

B. PRESIDENTIAL PREFERENCE PRIMARY

The presidential preference primary shall be held at the voting place in each of the voting precincts in the state on the second Tuesday in May in the year one thousand nine hundred eighty-six and in each second year thereafter (May 12, 2008) (§ 3–5–1).In presidential election years, in addition to the candidates required to be nominated at the primary election, the qualified voters of each political party shall have the opportunity of voting for their choice among those aspiring to be the candidates of their respective parties for President of the United States. The names of such aspirants shall be printed on the official election ballot of their respective parties upon the filing with the Secretary of State of the certificate of announcement and the filing fee, and the ballot shall be marked and the vote shall be counted, canvassed and returned under the same conditions as to names, certificates and other matters, as the names and certificates of the party aspirants for the party nomination for the office of Governor (§ 3–5–3).
The certificate of announcement shall be filed with the proper officer not earlier than the second Monday in January next preceding the primary election day, and not later than the last Saturday in January next preceding the primary election day, and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. The certificate of announcement shall be in a form prescribed by the Secretary of State (§ 3–5–7). A candidate for President of

the United States shall pay a fee equivalent to one percent of the annual salary of the office for which the candidate announces: Provided, That the filing fee for any candidate for President or Vice President of the United States shall not exceed two thousand five hundred dollars (§ 3–5–8).
For candidates for delegate to national convention, the name of the presidential candidate to be listed on the ballot as the preference of the candidate on the first convention ballot; or a statement that the candidate prefers to remain "uncommitted" (§ 3–5–7).

C. STATUTORY INSTRUCTIONS
None.

WISCONSIN
Delegates to National Conventions:
Democratic: 92
Republican: 40

A. MANNER OF SELECTION
The primary shall be held on the 3rd Tuesday in February to nominate nonpartisan candidates to express preferences for the person to be the presidential candidate for each party in a year in which electors for president and vice president are to be elected (February 19, 2008) (Wisconsin Statutes Annotated § 5.02 (22)).

B. PRESIDENTIAL PREFERENCE PRIMARY
The primary shall be held on the 3rd Tuesday in February to nominate nonpartisan candidates to express preferences for the person to be the presidential candidate for each party in a year in which electors for president and vice president are to be elected (February 19, 2008) (§ 5.02 (22)).
The presidential primary is an open primary. National convention delegates are selected by the major political parties after the primary in a caucus process.
There is a separate ballot for each recognized political party listing the names of all potential candidates of that party and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote for an uninstructed delegation to the party convention. The order of such presidential candidates shall be determined by lot by or under the supervision of the board. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only (§ 5.58(2r)). This is an open type of primary. No later than 5 p.m. on the 3rd Tuesday in November, or the next day if Tuesday is a holiday, of the year before each year in which electors for president and vice president are to be elected, the state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for governor received at least 10% of the total votes cast for that office may certify to the board that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this state shall at the spring primary be given an oppor-

tunity to express their preference for the person to be the presidential candidate of that party.
On the 2nd Tuesday in December of the year before each year in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each party filing a certification under this subsection, the state chairperson of that state party organization or the chairpersons designee, one national committeeman and one national committeewoman designated by the state chairperson; the speaker and the minority leader of the assembly or their designees, and the president and the minority leader of the senate or their designees. All designations shall be made in writing to the board. This committee shall organize by selecting an additional member who shall be the chairperson and shall determine, and certify to the board, no later than on the Friday following the date on which the committee convenes under this paragraph, the names of all candidates of the political parties represented on the committee for the office of president of the United States. The committee shall place the names of all candidates whose candidacy is generally advocated or recognized in the national news media throughout the United States on the ballot, and may, in addition, place the names of other candidates on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States. No later than 5 p.m. on the first Tuesday in January of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection for the office of president of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have the persons name appear on the presidential preference ballot. The petition may be circulated no sooner than the 2nd Tuesday in December preceding such year and shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures (§ 8.12).

C. STATUTORY INSTRUCTIONS
None.

WYOMING
Delegates to National Conventions:
Democratic: 18
Republican: 14

A. MANNER OF SELECTION
Delegates and alternates are elected by the state convention of each political party (Wyoming Statutes Annotated, § 22–4–118). Delegates and alternates to the State convention are selected at county conventions (§ 22–4–108).
The county convention of each political party shall meet in even-numbered years (§ 22–4–106). Delegates to county conventions are members of the county central committee, but

the party may provide an alternate method of selecting such delegates (§ 22–4–107).

B. PRESIDENTIAL PREFERENCE PRIMARY

None.

C. STATUTORY INSTRUCTIONS

None.

B. Delegate Selection for Citizens Abroad and the Territories

AMERICAN SAMOA [Democrats only] Manner of Selection
Delegates to Democratic National Convention: 13
A caucus/convention process selects the national convention delegates on March 10, 2008.
Delegates to the Republican National Convention: 6 at-large delegates

DEMOCRATS ABROAD
Delegates to Democratic National Convention: 23

Democrats:
In 2008, the Democrats Abroad will utilize a caucus system on February 5, 2008 to select 23 delegates from certain sites around the globe.

GUAM
Delegates to National Conventions:
Democratic: 12
Republican: 9

Democrats:
The national convention delegates will be elected by a one-tier caucus/convention at a mass meeting on May 3, 2008.

Republicans:
The delegates will be elected by caucus/convention on February 16, 2008.

PUERTO RICO
Delegates to National Conventions:
Democratic: 67
Republican: 23

Democrats:
A caucus for the expression of presidential preferences and the election of national convention delegates and alternatives will be held on June 7, 2008.

Republicans:
The Republican Party in Puerto Rico will send 20 at-large delegates to the national convention.

VIRGIN ISLANDS
Delegates to National Conventions:
Democratic: 13
Republican: 9

Democrats:
The Democratic Party in the Virgin Islands will select its delegates by a caucus/convention process on February 9, 2008.

Republicans:
The Republican Party in the Virgin Islands will select its delegates by a caucus/convention process on April 5, 2008.

PART IV. STATE LAWS RELATING TO THE NOMINATION AND ELECTION OF PRESIDENTIAL ELECTORS

A. Table of State Electoral College Votes

Alabama	9	Montana	3
Alaska	3	Nebraska	5
Arizona	10	Nevada	5
Arkansas	6	New Hampshire	4
California	55	New Jersey	15
Colorado	9	New Mexico	5
Connecticut	7	New York	31
Delaware	3	North Carolina	15
District of Columbia	3	North Dakota	3
Florida	27	Ohio	20
Georgia	15	Oklahoma	7
Hawaii	4	Oregon	7
Idaho	4	Pennsylvania	21
Illinois	21	Rhode Island	4
Indiana	11	South Carolina	8
Iowa	7	South Dakota	3
Kansas	6	Tennessee	11
Kentucky	8	Texas	34
Louisiana	9	Utah	5
Maine	4	Vermont	3
Maryland	10	Virginia	13
Massachusetts	12	Washington	11
Michigan	17	West Virginia	5
Minnesota	10	Wisconsin	10
Mississippi	6	Wyoming	3
Missouri	11		

B. Summary of State Laws Relating to Presidential Electors

ALABAMA

Presidential Electors: 9

A. NOMINATION

(1) *Major parties*

The nomination of electors is by party organization. There is no explicit statutory provision for a primary election to select electors (Code of Alabama, §17–14–31). When presidential electors are to be chosen, the Secretary of State certifies to the judges of probate of the several counties the names of all candidates for President and Vice President who are nominated by any national convention (*ibid.*). The certificate of nomination must be signed by the presiding officer and secretary of the convention and by the chairman of the State executive or central committees making the nomination (*ibid.*). Each certificate of nomination and nominating petition must be accompanied by a list of names and addresses of persons, who are qualified voters, equal to the number of presidential electors to be chosen (*ibid.*). Such certificates must be filed in the office of the Secretary of State no later than the last day of August preceding the general election (*ibid.*).

(2) *Minor and new parties*

Candidates for President and Vice President may be nominated by a national convention or other like assembly of any political party (§ 17–14–31). The nominating petitions must be filed in the office of the Secretary of State no later than the last day of August before the general election (*ibid.*). The Secretary of State certifies to the judges of probate of the several counties the names of all candidates for President and Vice President who are nominated by a national convention (*ibid.*). Each certificate of nomination is to be accompanied by a list of names and addresses of persons equal in number to the number of presidential electors to be chosen.

(3) *Independent candidates*

The Secretary of State must certify to the judges of probate of the several counties the names of candidates for President and Vice President who are nominated by written petition signed by at least 5,000 qualified voters of the State (§ 17–14–31). The nominating petition is to be filed in the office of the Secretary of State no later than the last day of August preceding the general election (*ibid.*).

Pledge

Each person listed on each certificate of nomination and nominating petition shall agree that, if elected, he or she shall cast a ballot as elector for the nominees listed on such certificate (§ 17–14–31).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of all candidates for President and Vice President shall be printed on the official ballots under the emblem of their respective political parties (§ 17–14–32). The names of

the electors of the candidates for President and Vice President shall not be printed upon the ballots (*ibid.*).

C. STATUTORY INSTRUCTIONS
The electors of President and Vice President are to assemble at the office of the Secretary of State, at the seat of government at 12:00 o'clock noon on the second Tuesday in December next after their election, or at that hour on such other day as may be fixed by Congress, to elect such President and Vice President, and those of them present at that hour must at once proceed by ballot and plurality of voters to supply the places of those who fail to attend on that day and hour (§ 17–14–36).

ALASKA
Presidential Electors: 3

A. NOMINATION
(1) *Major parties*
The nomination of electors is by State party convention or in any other manner prescribed by the bylaws of the party. The chairman and secretary of the State convention or any other party official designated by the party bylaws shall certify a list of names of candidates for electors to the Lieutenant Governor, on or before September 1 in presidential election years (Alaska Statutes, § 15.30.020).
(2) *Party pledge*
The party shall require from each candidate for election a pledge that as an elector he will vote for the candidates nominated by the party of which he is a candidate (§ 15.30.040).
(3) *Minor parties*
A limited political party may be organized for the purpose of selecting candidates for electors of President and Vice President of the United States by filing a petition with the Lieutenant Governor at least 90 days before a presidential general election signed by qualified voters of the State equaling in number at least one percent of the number of voters who cast ballots for President at the last presidential election. The petition shall state that the signers intend to organize a limited political party, that they intend to select candidates for electors of President and Vice President of the United States at the next succeeding presidential election, and the name of the limited political party (§ 15.30.025(a)).
A limited political party so organized may not assume a name which is so similar to an existing political party as to confuse or mislead the voters at an election. If the director of elections determines that the name of the limited political party set out in a petition is confusing or misleading, he may refuse to accept the petition for filing (§ 15.30.025(b)).
A limited political party organized under this section shall cease to be a political party whenever its presidential candidate fails to receive at least 3 percent of the number of voters who cast ballots for the office of President at a presidential election (§ 15.30.025(c)).
Presidential electors may be nominated by political parties in Alaska (§ 15.30.020).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of candidates are printed on the ballots and a vote marked for the candidates for President and Vice President is considered and counted as a vote for the presidential electors of the party (§ §15.15.030(7), 15.30.050).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the office of the Lieutenant Governor or other place designated by him at 11:00 in the morning on the first Monday after the second Wednesday in December following their election. They shall proceed to cast their votes for the candidates for the office of President and Vice President of the party which selected them as candidates for electors and shall perform the duties of electors as required by the Constitution and laws of the United States (§ §15.30.070, 15.30.090).

ARIZONA

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

Electors are nominated at the general State primary held on the eighth Tuesday prior to the general election, i.e., September 2, 2008 (Arizona Revised Statutes, §16–201). The nomination paper of a candidate for presidential elector shall be filed with the Secretary of State no later than 5:00 p.m. on the last date for filing, not less than 90 days or more than 120 days before the primary election (§§ 16–344, 16–311(E)). The chairman of the State committee of a political party which is qualified for continued representation on the ballot as provided in §16–804 shall appoint candidates for the office of presidential elector equal to the number of United States Senators and Representatives in Congress from this State and shall file a nomination paper and affidavit for each candidate in compliance with the requirements for candidates as provided in §16–311. (§ 16–344).

(2) *Minor and new parties*

A new political party may become eligible for recognition and shall be represented by an official party ballot at the next ensuing regular primary election and accorded a column on the official ballot at the succeeding general election upon filing with the Secretary of State a petition signed by a number of qualified electors equal to not less than one and one-third percent of the votes cast for governor or presidential electors at the last preceding general election (§ 16–801).

(3) *Independent candidates*

A nominating petition, signed by at least three percent of the qualified electors of the State who have not signed the nomination petitions of a candidate for the office to be voted for at the last primary election and who are not members of a political party that qualified to be represented on the primary and general election ballot. The nominating petition is to be filed with the Secretary of State no later than 5:00 p.m. not less than 90 nor more than 120 days before the primary election for that office. (§§ 16–341(C), 16–311(A)).

B. NAMES ON GENERAL ELECTION BALLOTS

When presidential electors are to be voted for, the candidates therefor of each party shall be grouped and printed together, arranged in each group in alphabetical order, and the entire group of electors of each party shall be enclosed in a scroll or bracket to the right and opposite the center on which shall be printed in bold type the surname of the presidential candidate represented. To the right of and on a line with the surname shall be placed a square in which the voter may indicate his choice by the mark X, and one such mark opposite a group of presidential electors shall be counted as a vote for each elector in such group (§ 16–507).

C. STATUTORY INSTRUCTIONS

None.

ARKANSAS

Presidential Electors: 6

A. NOMINATION

(1) *Major parties*

In each year in which a President and Vice President of the United States are chosen, each political party or group in the State shall choose by its State convention electors of President and Vice President of the United States (Arkansas Code Annotated, §7–8–302). The State convention of such party or group shall also choose electors at large, if any are to be appointed for the State and such State convention of such party or group shall by its chairman and secretary certify the total list of such electors together with electors at large so chosen to the Secretary of State. The certificate shall be filed no later than September 15 (§ 7–8–302). The filing of such certificate with said Secretary of State, of such choosing of electors shall be deemed and taken to be the choosing and selection of the electors of this State, if such party or group is successful at the polls as herein provided in choosing their candidates for President and Vice President of the United States (§ 7–8–302). The certification by the parties of electors is to be made to the Secretary of State within two days after the state convention. (§ 7–8–302(1)(C)).

(2) *Minor and new parties*

In order to have the name of a party's candidates for President and Vice President printed on the ballots, a political party shall nominate by primary election. A new political party formed pursuant to petition process may nominate by convention if the presidential election is the first general election after certification as a party. § 7–8–302(5)(A). A political group desiring to have the names of its candidates for President and Vice President printed on the ballot shall file a petition with the Secretary of State by noon of the first Monday in August containing one thousand qualified electors declaring their desire to have the names of their candidate for President and Vice President printed on the ballot. (§ 7–8–302(B)).

(3) *Independent candidates*

Any person desiring to have his name placed upon the ballot as an independent candidate without political party affili-

ation for any State, county, township or district office, shall in any general election in this State file as an independent candidate a notice of candidacy identifying the elective office, and a nominating petition not later than twelve o'clock (12:00) noon on the third Tuesday in March immediately preceding the preferential primary election, and shall furnish at the time he files as an independent candidate [petitions] signed by not less than three percent (3%) of the qualified electors of the State, or 10,000 signatures of qualified electors whichever is the lesser, each of whom shall be a registered voter and such petitions shall be directed to the official with whom such person is required by law to file nomination certificates to qualify as a candidate, requesting that the name of such person be placed on the ballot for election to the office mentioned in the petition. Such petitions shall be circulated not earlier than sixty (60) calendar days prior to the deadline for filing such petitions to qualify as an independent candidate (§ § 7–7–103(b), 7–6–102(a)).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates of political parties or groups for electors of the President and Vice President shall not be printed on the general election ballot. In lieu thereof, the names of the candidates for President and Vice President with the particular party designation of each shall be so printed. A vote for the presidential and vice presidential candidates shall be deemed to be a vote for the electors thereof (§ 7–8–302(4)(A)).

If more than one certificate of choice and selection of electors of the same political party or group is filed, the constitutional officers of the State shall determine which set was chosen by the authorized convention of a party or group (§ 7–8–302(2)(A)).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the office of the Secretary of State in the State capitol at the time appointed by the laws of the United States at 10:00 a.m., and give their votes for President and Vice President of the United States, and perform such duties as are or may be required by law (§ 7–8–306).

CALIFORNIA

Presidential Electors: 54

A. NOMINATION

(1) *Established political parties (Cal. Election Code, § 6901).*

(a) *Democratic Party*

In each year of the general election at which electors of President and Vice President of the United States are to be chosen, each congressional nominee shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year. Each United States senatorial nominee, determined by the last two United States senatorial elections, shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential

election year. In the event there is no United States senatorial nominee or no congressional nominee in any particular district, the State chairman shall designate one presidential elector for each vacancy and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential election year (Cal. Election Code, § 7100).

(b) *Republican Party*

In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the Republican nominees for Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, and Secretary of State, the Republican nominees for United States Senator at the last two United States senatorial elections, the Assembly Republican leader, the Senate Republican leader, all elected officers of the Republican State Central Committee, the National Committeeman and National Committeewoman, the President of the Republican County Central Committee Chairmen's Association, and the chairman or president of each Republican volunteer organization officially recognized by the Republican State Central Committee shall act as presidential electors, except that Senators, Representatives, and persons holding an office of trust or profit of the United States shall not act as electors. The remaining presidential elector positions, and any vacant positions, shall be filled by appointment of the Chairman of the Republican State Central Committee in accordance with the bylaws of the committee. The name, residence and business address of each such appointee shall be filed with the Secretary of State by October 1st of the presidential election year. The Republican State Central Committee shall adopt bylaws implementing the provisions of this section (Cal. Election Code, § 7300).

(2) *Minor and new parties*

(c) *American Independent Party*

The convention shall nominate electors of President and Vice President and certify to Secretary of State. (Cal. Election Code, § 7578).

(d) *Peace and Freedom Party*

The convention meeting of the State Central Committee shall nominate electors of President and Vice President, 50 percent of whom shall be women, and 50 percent men. (Cal. Election Code, § 7843).

Minor and new parties select their candidates for presidential electors at respective State conventions and certify the names of the electors nominated to the Secretary of State in a similar method as any established party. (Cal. Election Code, § 5006).

(3) *Independent candidates*

Whenever a group of candidates for presidential electors, equal in number to the number of presidential electors to which this State is entitled, files a nomination paper with the Secretary of State pursuant to this chapter, the nomination paper may contain the name of the candidate for President of the United States and the name of the candidate for Vice President of the United States for whom all of those

candidates for presidential electors pledge themselves to vote (§ 8303).
When a group of candidates for presidential electors designates the presidential and vice presidential candidates for whom all of the group pledge themselves to vote, the names of the presidential candidate and vice-presidential candidate designated by that group shall be printed on the ballot pursuant to Chapter 2. (§ 8304).
Nomination papers for a statewide office for which the candidate is to be nominated shall be signed by voters of the State equal to not less in number than one percent of the entire number of registered voters of the State at the time of the close of registration prior to the preceding general election (§ 8400).
Nomination papers shall be prepared, circulated, signed and delivered to the county elections official for examination no earlier than 148 days before the election and no later than 5:00 p.m. 88 days before the election (§ 8403).

B. NAMES ON GENERAL ELECTION BALLOTS
The names of the candidates for President and Vice President of the several political parties are printed on the ballot. Names of the candidates for electors shall not be printed on the ballot (§ § 13103, 13109, 13111).

C. STATUTORY INSTRUCTIONS
The electors chosen shall assemble at the State Capitol at 2:00 in the afternoon on the first Monday after the second Wednesday in December next following their election (§ 6904).
In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the electors then present shall elect, from the citizens of the State, as many persons as will supply the deficiency (§ 6905).
The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this State (§ 6906).

COLORADO
Presidential Electors: 8

A. NOMINATION
(1) *Major parties*
The nomination of presidential electors may be by State party convention, or a committee authorized by such convention, or by petition for nomination of an independent candidate (Colorado Revised Statutes, §§ 1–4–302, 1–4–701).
Any convention of delegates of a political party or any committee authorized by resolution of such convention may nominate presidential electors. All nominations for vacancies for presidential electors made by the convention or a committee authorized by such convention shall be certified by affidavit of the presiding officer and secretary of the convention or committee (§ 1–4–302).

(2) *Minor and new parties*

A minor political party is a party other than a major political party which has satisfied one of the conditions in § 1–4–130(1) or has submitted a petition according to 1302. A "major political party" means one whose candidate for Governor at the last preceding gubernatorial election received at least ten percent of the total votes cast. (§ 1–1–104 (22)). "Political organization" means any group of qualified electors who, by petition for nomination of an independent candidate as provided in section 1–4–801, places upon the official general election ballot nominees for public office (§ 1–1–104(24)). Minor political parties may nominate candidates for presidential electors in the same manner as major political parties. Groups of voters which do not qualify as a major or minor political party may nominate candidates for presidential electors in the same manner as independent candidates (§ § 1–4–302, 303).

(3) *Independent (unaffiliated) candidates*

Not later than 120 days before the general election, persons who desire to be an unaffiliated candidate for President and Vice President shall submit to the Secretary of State either a notarized candidate's statement of intent with a non-refundable filing fee, or a petition for nomination pursuant to the provisions of section 1–4–802 which shall include on the petition the names of registered electors who are thus nominated as presidential electors. The acceptance of each of the electors shall be endorsed as appended to the first or last page of the nominating petition or the filing fee (§ 1–4–303). Candidates for public offices to be filled at a general election who do not wish to affiliate with a political party may be nominated, other than by a primary election or a convention, in the following manner:

(a) A petition for nominating independent candidates shall be prepared which shall contain the names and addresses of any candidates for the offices to be filled. The petition shall designate in not more than three words the political or other name which the signers select. No name of any political party shall be used, in whole or in part, for this purpose.

(b) In the case of nominations for electors of President and Vice President of the United States, the names of the candidates for President and Vice President may be added to the political or other name designated on the petition.

(c) The petition shall be signed by registered electors residing within the district or political subdivision in which the officers are to be elected to the number of at least five thousand for the office of President and the office of Vice President.

(d) No petition, except petitions for candidates for vacancies to unexpired terms of Representatives in Congress and for presidential electors, shall be circulated or any signatures obtained thereon earlier than one hundred sixty five days before the general election.

Petitions shall be filed not later than 3 p.m. on the 120th day before the general election or 3 p.m. on the fifty-fifth day preceding the congressional vacancy election.

(g) No person shall be placed in nomination by petition unless the person is a registered elector of the political subdivi-

sion or district in which the officer is to be elected and unless he was registered as unaffiliated, as shown on the books of the county clerk and recorder, for at least twelve months prior to the last date the petition maybe filed; except that, if such nomination is for a nonpartisan election, such person shall be a registered elector of such political subdivision or district and be a registered elector, as shown on the books of the county clerk and recorder, on the date of the earliest signature on the petition (§ 1–4–802).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the presidential electors shall not be printed upon the ballot, but the names of the candidates of their respective parties or political groups for President and Vice President shall be printed together in pairs under the title "Presidential Electors." A vote for any such pair of candidates shall be a vote for the electors of the party or political group by which such candidates were named (§ 1–5–403)(2)).

C. STATUTORY INSTRUCTIONS

The electors of President and Vice President of the United States shall convene at the capital of the State, in the office of the Governor at the capitol building, on the first Monday after the second Wednesday in December next after their election at the hour of twelve noon and take the oath required by law for such presidential electors. If there is any vacancy in the office of presidential electors occasioned by death, refusal to act, absence, or other cause, the presidential electors present shall immediately proceed to fill such vacancy in the Electoral College. When the vacancies have been filled, they shall proceed to perform the duties required of such presidential electors by the Constitution and laws of the United States, and vote for President and Vice President by open ballot.

The Secretary of State shall give notice in writing to each of the presidential electors, at least ten days prior thereto, of the time and place of said meeting. The Secretary of State shall provide such presidential electors with the necessary blanks, forms, certificates, or other papers or documents required to enable them to properly perform their duties. If desired, such presidential electors may have the advice of the Attorney General of the State respecting their official duties. Each presidential elector shall vote for the pair of presidential and vice presidential candidates who received the highest number of votes at the preceding general election in this State. (§ 1–4–304).

Every presidential elector of this State who attends and gives his vote for those officers at the time and place appointed by law shall be entitled to receive the sum of five dollars per day for each day's attendance at such election and fifteen cents per mile for each mile he travels in going to and returning from the place where the electors meet, by the most usual route traveled, to be paid out of the general fund. The controller shall audit the amount and draw his warrant for the same (§ 1–4–305).

CONNECTICUT
Presidential Electors: 8

A. NOMINATION
(1) *Major parties*
The electors in the several towns in the State, at the State election in 1964, and quadrennially thereafter, shall elect electors of President and Vice President of the United States, not exceeding in number the whole number of Senators and Representatives to which the State is then entitled in the Congress of the United States. Voting shall be conducted and the result declared, and the returns thereof made, as is provided in respect to State elections. The Secretary of State shall, on or before the first Monday of October of the year in which such presidential electors are to be elected, transmit blank forms to the several town clerks for the return of the votes; and the lists and returns of the votes shall be made out, certified and directed according to such forms (Connecticut General Statutes Annotated, § 9–175).
Generally the nomination of electors of President and Vice President is by political conventions of the respective major parties (§ 9–175).
(2) *Minor and new parties*
A minor party is a political party or organization which is not a major party and whose candidate for the office in question received at the last-preceding regular election for such office, under the designation of that political party or organization, at least one percent of the whole number of votes cast for all candidates for such office at such election (§ 9–372(6)).
At least one copy of the party rules regulating the manner of nominating its candidates must be filed with the Secretary of State at least 60 days before the nomination (§§ 9–374; 9–451).
(3) *Independent candidates*
An individual may also obtain a place on the election ballot label by nominating petition. No name of any candidate shall be printed on any official ballot at any election except the name of a candidate nominated by a major or minor party unless a nominating petition for such candidate is approved by the Secretary of State as provided in sections 9–453a to 9–453p, inclusive (§ 9–379).
Application must be accompanied by a signed statement of candidate's consent and the party designation, if any. Signatures of qualified voters are required, equal in number to the lesser of one percent of all votes cast for the same office at the last preceding election for such office, or seven thousand five hundred. The petition should be filed with the town clerk of each town in which it was circulated at least 10 weeks before election with a statement of each circulator of the nominating petition (§ § 9–453b to 9–453d, 9–453i).
(4) *Write-in presidential and vice presidential candidates*
In the case of a write-in candidate for President of the United States, such candidate may register his candidacy with the Secretary of the State by submitting his name and the names of a vice presidential candidate and candidates for the office of elector in a number not exceeding the whole number of electors to which the State is then entitled. Such

registration shall be on a form prescribed by the Secretary of the State, which form shall include a statement of consent to being a candidate by each proposed candidate for elector and by the candidate for Vice President. Such registration shall not include a designation of political party. A candidate for President may register at any time after January first of the election year and not later than four o'clock p.m. on the fourteenth day preceding the election at which the offices of presidential elector and vice presidential elector are being contested. If a candidate has so registered, a vote may be cast by write-in ballot for such candidate by writing in the last name of the candidate for President and the last name of the candidate for Vice President or only the last name of the candidate for President; such write-in ballot shall be counted, and shall be in all respects effective, as a vote for the presidential electors representing such candidates for President and Vice President. No person nominated for the office of President, or presidential elector by a major or minor party or by nominating petition shall register as a write-in candidate for such office under the provisions of this section and any such registration of a write-in candidacy filed by such a person shall be void (§ 9–175(b)).

B. NAMES ON GENERAL ELECTION BALLOTS

When an election is to be held for the choice of presidential electors, if any political party has nominated candidates for President and Vice President of the United States, and presidential electors to vote for such presidential and vice presidential candidates have been nominated by a political convention of such party in this State, or in such other manner as entitles the names of such electors to be placed upon the official ballots to be used in such election, the Secretary of State and any other official charged with the preparation of official ballots to be used in such election, in lieu of placing the names of such presidential electors on such official ballots, shall place on such official ballots a space with the words "Presidential electors for (here insert the last name of the candidate for President, the word 'and' and the last name of the candidate for Vice President)"; and a vote cast therefor shall be counted, and shall be in all respects effective, as a vote for each of the presidential electors representing such candidates for President and Vice President (§ 9–175).

C. STATUTORY INSTRUCTIONS

The presidential electors shall meet at the office of the Secretary of the State at 12:00 o'clock noon, on the first Monday after the second Wednesday of the December following their election and, as required by the Constitution and laws of the United States, shall cast their ballots for President and Vice President. Each such elector shall cast his ballots for the candidates under whose names he ran on the official election ballot, as provided in section 9–175. If any such elector is absent or if there is a vacancy in the Electoral College for any cause, the electors present shall, before voting for President and Vice President, elect by ballot an elector to fill such vacancy, and the person so chosen shall be a presidential elector, shall perform the duties of such office and shall cast his

ballots for the candidates to whom the elector he is replacing was pledged (§ 9–176).

DELAWARE
Presidential Electors: 3

A. NOMINATION
(1) *Political parties*
The method of nominating candidates for the national Electoral College, . . . and for formulation of the party platform may be by convention. (Title 15, § 3113).
The presiding officer and secretary of the state convention or committee of each political party eligible to place candidates on the ballot shall submit certificates of nomination for electors of President and Vice-President of the United States together with the name of the candidates for President and Vice-President to the State Commissioner of Elections. (Delaware Code Annotated, tit. 15, § 3301(b)).
Candidates for political parties who must file for election in accordance with § 3101 of this title, and who either receive the majority vote at the subsequent primary election or are unopposed in the party for the office for which the candidate has filed shall be considered nominated. (tit. 15, § 3301(a)).
(2) *Unaffiliated Candidates*
Unaffiliated candidates may appear on the general election ballot if such candidate files a declaration of candidacy that he is unaffiliated, has been for at least three months prior to filing, and files a nominating petition signed by not less than 1 percent of the total number of voters registered, as of December 31 of the year immediately preceding the general election. (tit. 15, § 3002).

B. NAMES ON GENERAL ELECTION BALLOTS
Nominees of any party and qualifying unaffiliated candidates for President and Vice President are placed on the ballot. A vote for the candidates for President and Vice President shall be a vote for the electors of such party, the names of whom are on file with the Secretary of State (tit. 15, §§ 4502; 5704).

C. STATUTORY INSTRUCTIONS
The Governor in October next preceding every election of presidential electors shall by proclamation make known the number of presidential electors to be chosen and the day of the election (tit. 15, § 4302). The electors chosen or appointed for the election of a President and Vice President shall meet and give their votes at Dover on the day determined by Congress for that purpose (tit. 15, § 4303).

DISTRICT OF COLUMBIA
Presidential Electors: 3

A. NOMINATION
(1) *Major parties*
Each political party which had in the preceding election year at least 7,500 votes cast in the general election for a candidate of the party to the office of Delegate, Mayor, or chair-

man or member of the Council, shall be entitled to nominate candidates for presidential electors. The executive committee of the organization recognized by the national committee of each such party as the official organization of that party in the District of Columbia shall nominate by appropriate means the presidential electors for that party. Nominations shall be made by message to the Board of Elections and Ethics on or before September 1 next preceding a presidential election. (District of Columbia Code, § 1–1001.08(d))
No person may be elected as a presidential elector in the District unless (a) he is a registered voter in the District, and (b) he has been a bona fide resident of the District for a period of 3 years immediately preceding the date of the presidential election (§ 1–1001.08(g)).
(2) *Minor and new parties*
A party that does not qualify under subsection (d) may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors signed by at least one percent of registered qualified electors of the District of Columbia, as of July 1 of the year in which the election is to be held is presented to the Board on or before the third Tuesday in August preceding the date of the presidential election (§ 1–1001.08(f)).
(3) *Independent candidates*
No provision.

B. NAMES ON GENERAL ELECTION BALLOTS
The names of the candidates of each political party for President and Vice President shall be placed on the ballot under the party title and device. The names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot (§ 1–1001.08(e)). Each vote cast for the candidate for President or Vice President whose name appears on the general election ballot shall be counted as a vote cast for the candidates for presidential electors of the party supporting such presidential and vice presidential candidate (§ 1–1001.106(2)).

C. STATUTORY INSTRUCTIONS
Each person elected as elector of President and Vice President shall, in the presence of the Board of Elections, take an oath or solemnly affirm that he will vote for the candidates of the party he has been nominated to represent, and it shall be his duty to vote in such manner in the Electoral College (§ 1–1001.08(g)).

FLORIDA
Presidential Electors: 25

A. NOMINATION
(1) *Major parties*
(1) The Governor shall nominate the presidential electors of each political party. The state executive committee of each political party shall by resolution recommend candidates for presidential electors and deliver a certified copy thereof to

the Governor before September 1 of each presidential election year. The Governor shall nominate only the electors recommended by the state executive committee of the respective political party. Each such elector shall be a qualified elector of the party he or she represents who has taken an oath that he or she will vote for the candidates of the party that he or she is nominated to represent. The Governor shall certify to the Department of State on or before September 1, in each presidential election year, the names of a number of electors for each political party equal to the number of senators and representatives which this state has in Congress. (Florida Statutes Annotated, § 103.021(1)).

(2) *Minor and new parties*

A minority political party is any such group, as defined above, which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the State (§ 97.021(14)). A minor political party may have the names of its candidates for President and Vice President printed, and independent candidates for President and Vice President may have their names printed, on the general election ballots if a petition is signed by one percent of the registered electors of this State, as shown by the compilation by the Department of State for the last preceding general election. A separate petition from each county for which signatures are solicited shall be submitted to the supervisor of elections of the respective county no later than July 15 of each presidential election year. The supervisor shall check the names and, on or before the date of the primary election, shall certify the number shown as registered electors of the county. The supervisor shall be paid by the person requesting the certification the cost of checking the petitions as prescribed in section 99.097. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor required in this section has been met. When the percentage factor required in this section has been met, the Department of State shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates (§ 103.021(3)).

Any minor political party which has met the petitioning requirements of section 99.096 (signatures of three percent of registered electors) and will have the names of a candidate or candidates for any office or offices to be filled by a statewide election printed on the general election ballot, and which minor party is affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States, may have the names of its candidates for President and Vice President of the United States printed on the general election ballot by filing with the Department of State a certificate naming the candidates for President and Vice President and listing the required number of persons to serve as electors. Notification to the Department of State under this subsection shall be made by September 1 of the year in which the election is held. When the Department of State has been so notified, it

shall order the names of the candidates for whom the petition was circulated to be included on the ballot and shall permit the required number of persons to be certified as electors in the same manner as other party candidates (§ 103.021(4)).

(3) *Write-in candidates*

Persons seeking to qualify for election as write-in candidates for President and Vice President of the United States may have a blank space provided on the general election ballot for their names to be written in by filing an oath with the Department of State at any time after the 57th day, but before noon of the 49th day, prior to the date of the primary election in the year in which a presidential election is held. The Department of State shall prescribe the form to be used in administering the oath. The candidates shall file with the department a certificate naming the required number of persons to serve as electors. Such write-in candidates shall not be entitled to have their names on the ballot (§ 103.022).

B. NAMES ON GENERAL ELECTION BALLOTS

On the ballot shall be printed the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President nominated by the political party which received the highest vote for Governor in the last general election of the Governor in the State, above which shall appear the name of the said party, then shall appear the names of other candidates for President and Vice President who have been properly nominated (§ 101.151(3)).

C. STATUTORY INSTRUCTIONS

Each presidential elector shall, on the day fixed by Congress to elect a President and Vice President and at a time fixed by the Governor, give notice to the Governor that he is in Tallahassee and ready to perform the duties of presidential elector. The Governor shall forthwith deliver to the presidential electors present a certificate of the names of all the electors; and if, on examination thereof, it should be found that one or more electors are absent, the electors present shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of one or more of the electors (§ 103.061).

GEORGIA

Presidential Electors: 13

A. NOMINATION

(1) *Major parties*

Any political party desiring to nominate its presidential electors by convention, any political body desiring to nominate its candidates qualifying with petitions by convention shall through its State executive committee, adopt rules and regulations governing the holding of such conventions for such nomination of candidates. Such rules and regulations shall be filed with the Secretary of State, and no amendment to such rules and regulations shall be effective unless filed with

the Secretary of State at least 30 days prior to the date of such convention. The State party or body chairman of such political party or body and its secretary shall accompany the filing of such rules and regulations with their certificate certifying that the rules and regulations therein filed are a true and correct copy of the rules and regulations of the party pertaining to the nomination of candidates by the convention method (Code of Georgia Annotated, § 21–2–172).

Political bodies shall hold their conventions in accordance with Code Section 21–2–172 and candidates nominated for statewide public office in convention shall file a notice of candidacy no earlier than 9:00 a.m. fourth Monday in June and no later than 12:00 noon on the Friday following the fourth Monday in June; provided, however, that the political body must file its qualifying petition no later than 12:00 noon on the second Tuesday in July following the convention as prescribed in Code Section 21–2–172 in order to qualify its candidates to be listed on the general election ballot (§ 21–2–187).

(2) *Minor and new parties*

Political parties polling less than 20 percent of the vote cast at the preceding general election are known as "political organizations."

"Political party" is defined as a political organization whose candidate at the preceding gubernatorial election polled at least 20 percent of the total vote cast in the State for Governor or who nominated a candidate for President at the preceding presidential election and whose candidates for presidential electors polled at least 20 percent of the total vote cast in the nation for that office (§ 21–2–2 (20), (21), (24), (25)).

Any candidate required to have his notice of candidacy be sent with the nomination petition must file his notice of candidacy and an affidavit no later than 12:00 noon on the Friday following the fourth Monday in June prior to the general election (§ 21–2–132).

All candidates are required to accompany their notice of candidacy with a nomination petition unless the candidate is either a nominee of a political party for the office of presidential elector when such party has held a national convention and nominated candidates for President and Vice President of the United States, or the nomineee of a political party nominated in a primary held by such party (§ 21–2–132). The nominating petitions must be signed by not less than 1 percent of the voters eligible to vote in the next election for the filing of the office the candidate is seeking. (§ 21–2–170(b)). The persons signing must declare that they are so qualified (§ 21–2–170).

Such nominating petition offered by a political body seeking to have the names of their candidates for presidential electors placed on the ballot shall be compiled so that the entire slate of candidates shall be listed together on the same petition (§ 21–2–170(c)).

(3) *Independent candidates*

A person can become a candidate for Federal or State office by filing a notice of candidacy with the Secretary of State no earlier than 9:00 a.m. on the fourth Monday in June imme-

diately prior to the election, and no later than 12:00 noon on the Friday following the fourth Monday in June preceding the general election (§ 21–2–132(c)). A nomination petition for a slate of electors must be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last presidential election (§ 21–2–170(b)). The nomination petition is filed at the same time as the notice of candidacy.

A candidate must file with the notice of candidacy an affidavit stating among other things that he is an elector of the county of his residence eligible to vote in the election in which he is a candidate and that he is eligible to hold such office (§ 21–2–132(f)).

B. NAMES ON GENERAL ELECTION BALLOTS

When presidential electors are to be elected, the names of the nominees of each political party or body for such offices shall be arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States. (§ 21–2–285(e)).

C. STATUTORY INSTRUCTIONS

The presidential electors shall assemble at the seat of government of the State at 12:00 o'clock noon of the day which is, or may be, directed by the Congress of the United States, and shall then and there perform the duties required of them by the Constitution and laws of the United States (§ 21–2–11).

HAWAII

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

In each year when electors of President and Vice President of the United States are to be chosen, each of the political parties or parties or groups qualified under section 11–113 of the Hawaii Revised Statutes, shall hold a State party or group convention pursuant to the constitution, bylaws, and rules of the party or group; and nominate as candidates for its party or group as many electors, and a first and second alternate for each elector, or President and Vice President of the United States as the State is then entitled. The electors and alternates shall be registered voters of the State. The names and addresses of the nominees shall be certified by the chairman and secretary of the convention of the respective parties or groups and submitted to the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election of the same year. The chief election officer upon receipt thereof shall immediately notify each of the nominees for elector and alternate elector of the nomination (Hawaii Revised Statutes, § 14–21).

If more than one certificate of choice and selection of presidential electors and alternate electors of the same political party or group is filed with the chief election officer, as chairman of the contested presidential electors' committee hereby constituted, the chief election officer shall notify the State

Comptroller and Attorney General, who are the remaining members of the committee, of the date, time, and place of the hearing to be held for the purposes of making a determination of which set of electors and alternate electors were lawfully chosen and selected by the political party or group. Notice of the hearing shall be given to the chairman of the State central committee of each political party and the chairman of each party or group qualified under section 11–113 of the Hawaii Revised Statutes, contestants for the positions of electors and alternate electors by written notice, and to all other interested parties by publication at least once in a newspaper of general circulation. A determination shall be made by the committee by majority vote not later than 4:30 p.m. on October 30 of the same year and the determination shall be final. Notice of the results shall be given to the nominees duly determined to have been chosen (§ 14–22).
(2) *Minor and new parties*
(a) The term "political party" means any party which has qualified as a political party under sections 11–62 and 11–64 and has not been disqualified by this section. A political party shall be an association of voters united for the purpose of promoting a common political end or carrying out a particular line of political policy and which maintains a general organization throughout the State, including a regularly constituted central committee and county committees in each county other than Kalawao.
(b) Any party which does not meet the following requirements or the requirements set forth in sections 11–62 to 11–64, shall be subject to disqualification:
(1) A party must have had candidates running for election at the last general election for any of the offices listed in paragraph (2) whose terms had expired. This does not include those offices which were vacant because the incumbent had died or resigned before the end of the incumbent's term; and
(2) The party received at least ten percent of all votes cast:
(A) For any of the offices voted by all the voters in the State;
(B) In at least fifty percent of the congressional districts;
(C) In at least the six senatorial districts with the lowest votes cast for the office of state senator; or
(D) In at least fifty percent of the representative districts for the office of state representative.
Any group of persons hereafter desiring to form a new political party in the State shall file with the chief election officer a petition as hereinafter provided. The petition for the formation of a new political party shall:
(1) Be filed not later than 4:30 p.m. on the one hundred seventieth day prior to the next primary;
(2) Declare as concisely as may be the intention of signers thereof to form such new statewide political party in the State and state the name of the new party;
(3) Contain the signatures of currently registered voters comprising not less than one percent of the total registered voters of the State as of the last preceding general election;
(4) Be accompanied by the names and addresses of the officers of the central committee and of the respective county committee, where they exist, of the new political party and by the party rules; and

(5) Be upon the form prescribed and provided by the chief election officer.
The petition shall be subject to hearing under chapter 91, if any objections are raised by the chief election officer or any political party. All objections shall be made not later than 4:30 p.m. on the twentieth business day after the petition has been filed. The Chief Election Officer may extend the objection period up to an additional ten business days, if the group of persons desiring to qualify as a political party is provided with notice of extension and the reasons therefore. If no objections are raised by 4:30 p.m. on the twentieth business day, or the extension thereof, the petition shall be approved. If an objection is raised, a decision shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the objection or not later than 4:30 p.m. on the one hundredth day prior to the primary, whichever shall first occur.
The chief election officer may check the names of any persons on the petition to see that they are registered voters and he may check the validity of their signatures. The petition shall be public information upon filing (§ 11–62).
All parties must file their rules with the chief election officer not later than 4:30 p.m. on the one hundred fiftieth day prior to the next primary. All amendments shall be filed with the chief election officer not later than 4:30 p.m. on the thirtieth day after their adoption. The rules and amendments shall be duly certified to by an authorized officer of the party and upon filing, the rules and amendments thereto shall be a public record (§ 11–63).
All nominations must be made by primary elections (§ 12–1), except presidential electors who are nominated by State party conventions. Names of such latter nominees shall be submitted to the chief election officer no later than 4:30 p.m. on the sixtieth day prior to the general election (§ 14–21).
(3) *Independent candidates*
In the case of candidates of parties or groups not qualified to place candidates on the primary or general election ballots, the person desiring to place such names on the general election ballot shall file with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election:
(a) a sworn application concerning candidates for electors;
(b) a petition which shall be upon the form prescribed and provided by the chief election officer containing the signatures of currently registered voters which constitute not less than one percent of the votes cast in the State at the last general election. The petition shall contain the names of the candidates, a statement that the persons signing intend to support such candidates, the address of each signatory, the date of his signature and other information as determined by the chief election officer.
Prior to being issued the petition form, the person desiring to place the names on the general election ballot shall submit a notarized statement from each candidate of that person's intent to be a candidate for President or Vice President of the United States on the general election ballot in the State of Hawaii.

Each applicant, and the candidates named, shall be notified in writing of the applicant's or candidates' eligibility or disqualification for placement on the ballot not later than 4:30 p.m. on the tenth day after filing. The Chief Election Officer may extend the notification period up to an additional five business days, if the applicants and candidates are provided with notice of the extensions and the reasons therefore.

If the applicant, or any other party, individual, or group with a candidate on the presidential ballot, objects to the finding of eligibility or disqualification the person may, not later than 4:30 p.m. on the fifth day after the finding, file a request in writing with the chief election officer for a hearing on the question. A hearing shall be called not later than 4:30 p.m. on the tenth day after the receipt of the request and shall be conducted in accord with chapter 91. A decision shall be issued not later than 4:30 p.m. on the fifth day after the conclusion of the hearing (§ 11–113 (c), (d), (e)).

B. NAMES ON GENERAL ELECTION BALLOTS

In presidential elections, the names of the candidates for President and Vice President shall be used on the ballot in lieu of the names of the presidential electors, and the votes cast for President and Vice President of each political party shall be counted for the presidential electors and alternates nominated by each political party (§ 11–113).

A "national party" as used in this section shall mean a party established and admitted to the ballot in at least one State other than Hawaii or one which is determined by the chief election officer to be making a bona fide effort to become a national party. If there is no national party or the national and State parties or factions in either the national or State party do not agree on the presidential and vice presidential candidates, the chief election officer may determine which candidates names shall be placed on the ballot or may leave the candidates names off the ballot completely (§ 11–113(a)).

C. STATUTORY INSTRUCTIONS

The electors chosen shall assemble at the State capitol on the first Monday after the second Wednesday in December next following their election, at 2:00 o'clock in the afternoon. In case of the death or absence of any elector chosen, or if the number of electors is deficient for any other reason, the vacancy or vacancies shall be filled by the alternates in the order of their numerical designation for their respective electors causing the vacancy or vacancies, and in the event that vacancy or vacancies still exist, then the electors present shall select from the members of the same political party or group as many persons as will supply the deficiency. Certificates for the alternates or substitutes as presidential electors shall be issued by the Governor. The electors, when convened, if both candidates are alive, shall vote by ballot for that person for President and that person for Vice President of the United States, who are, respectively, the candidates of the political party which they represent, one of whom, at least, is not an inhabitant of this State (§ § 14–26 to 14–28).

IDAHO

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Major political parties include those parties that had three or more candidates for State office listed under the party name at the last general election or that had a candidate for State or national office who received at least 3 percent of the aggregate vote cast for the office of Governor at the last gubernatorial election (Idaho Code Annotated, § 34–501(b)). Presidential electors of such parties are selected at the party State convention in each election year at a time and place determined by the State central committee. The State central committee chairman shall preside and cause notice to be given to each legislative district central committee and each county central committee at the earliest possible date (§ 34–707).

The State chairman of each political party shall by September 1 certify the names of the presidential electors to the Secretary of State (§ 34–711).

(2) *Minor parties*

A "political party" is defined as an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in any of the following three (3) ways:

(a) By having three (3) or more candidates for State or national office listed under the party name at the last general election, provided that those individuals seeking the office of President, Vice President and presidential elector shall be considered one candidate, or

(b) By polling at the last general election for any one of its candidates for State or national office at least three percent (3%) of the aggregate vote cast for Governor or for presidential electors.

(c) By an affiliation of electors who shall have signed a petition which shall:

(A) State the name of the proposed party in not more than six (6) words;

(B) State that the subscribers thereto desire to place the proposed party on the ballot;

(C) Have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to two percent (2%) of the aggregate vote cast for presidential electors in the State at the previous general election at which presidential electors were chosen;

(D) Be filed with the Secretary of State on or before August 30 of even-numbered years;

(E) The format of the signature petition sheets shall be prescribed by the Secretary of State and shall be patterned after, but not limited to, such sheets as used for State initiative and referendum measures;

(F) The petitions and signatures so submitted shall be verified in the manner prescribed in section 34–1807, Idaho Code.

(G) The petitions shall be circulated no earlier than August 30 of the year preceding the general election.

Upon certification by the Secretary of State that the petition has met such requirements such party shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election.
The newly certified party shall proceed to hold a State convention in the manner provided by law; provided, that at the initial convention of any such political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nominations of candidates. Thereafter the conduct of any subsequent convention shall be as provided by law (§ 34–501).
(3) *Independent candidates*
Persons who desire to be independent candidates for the offices of President and Vice President, must file, prior to August 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by a number of qualified electors not less than one percent (1%) of the number of votes cast in this State for presidential electors at the previous general election at which a President of the United States was elected.
The candidates for President and Vice President shall be considered as candidates for one office, and only one such petition need be filed for both offices (§ 34–708A).
The State chairman of each political party shall certify the names of the presidential and vice presidential candidates and presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated for State and Federal offices by the voters in the primary election (§ 34–711, Supp.). Independent candidates who have qualified for ballot status pursuant to section 34–708A, Idaho Code, shall certify the names of presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify the independent presidential electors, and the independent candidates for President and Vice President, to the county clerks on or before September 7 (§ 34–711A).

B. NAMES ON GENERAL ELECTION BALLOTS
The State chairman of each political party shall certify the names of the presidential and vice presidential candidates and presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated for State and Federal offices by the voters in the primary election (§ 34–711). Independent candidates who have qualified for ballot status shall certify the names of presidential electors to the Secretary of State on or before September 1, in order for them to appear on the general election ballot. The Secretary of State shall

certify the independent presidential electors, and the independent candidates for President and Vice President, to the county clerks on or before September 7 (§ 34–711A).

C. STATUTORY INSTRUCTIONS

The electors chosen to elect a President and Vice President of the United States shall, at 12:00 noon on the day which is or may be directed by the Congress of the United States, meet at the seat of government of the State, and then and there perform the duties enjoined upon them by the Constitution and laws of the United States (§ 34–1503). Each elector of President and Vice President of the United States shall, before the hour of twelve (12) o'clock on the day next preceding the day fixed by the law of Congress to elect a President and Vice President, give notice to the Governor and shall forthwith deliver to the electors present a certificate of all the names of the electors; and if any elector named therein fails to appear before nine (9) o'clock on the morning of the day of election of President and Vice President as aforesaid, the electors then present shall immediately proceed to elect, by ballot, in the presence of the Governor, persons to fill such vacancies (§ 34–1504).

ILLINOIS

Presidential Electors: 22

A. NOMINATIONS

(1) *Major parties*

The State convention of each political party shall have power to make nominations of candidates of its political party for the electors of President and Vice President (Smith-Hurd Illinois Annotated Statutes, 10 ILCS § 5/7–9(b). State conventions shall be held within 180 days after the general primary in the year 2000 and every four years thereafter. In the year 1998 and every four years therafter, the Chairman of the States Central Committee may issue a call for a State convention within 180 days after the general primary. (10 ILCS § 5/7–9(b)).

Choosing and election of electors of President and Vice President of the United States shall be in the following manner: In each year in which a President and Vice President of the United States are chosen, each political party or group in this State shall choose by its State convention electors of President and Vice President of the United States and such State convention of such party or group shall also choose electors at large, if any are to be appointed for this State and such State convention of such party or group shall by its chairman and secretary certify the total list of such electors together with electors at large so chosen to the State Board of Elections.

The filing of such certificate with the Board, of such choosing of electors shall be deemed and taken to be the choosing and selection of the electors of this State, if such party or group is successful at the polls as herein provided in choosing their candidates for President and Vice President of the United States (10 ILCS § 5/21–1(a)). Such certification by the respective political parties or groups in this State of electors of

President and Vice President shall be made to the State Board of Elections within 2 days after such State convention (10 ILCS § 5/21–1(c)).

(2) *Minor parties*

A minor political party is defined as a political party or group which has not polled more than 5 percent of the entire vote cast for governor in the State at the last preceding general election for Governor (10 ILCS § 5/10–2). It shall nominate its candidates in the same manner as does a new party.

(3) *New parties*

Any group of persons desiring to form a new political party throughout the State, shall file with the State Board of Elections a petition (a) declaring the intention of the signers to form such a new political party, (b) stating in not more than 5 words the name of such party, (c) containing a complete list of candidates of such party for all offices to be filled in the State at the next election, and (d) signed by one percent (1%) of the number of voters who voted in the preceding statewide general election or 25,000 qualified voters whichever is less (10 ILCS § 5/10–2). Such petition shall be accompanied by a candidate's statement of candidacy, except candidates for electors for President and Vice President (10 ILCS § 5/10–5), and all certificates of nomination or nomination papers for candidates to be voted for by all the voters of the State shall be presented to the State Board of Elections at least 92 days, but not more than 99 days, before the general election, for endorsement by the board and for subsequent deposit with the State Board of Elections (10 ILCS § 5/10–6).

(4) *Independent candidates*

Nomination of independent candidates (not candidates of any political party), for any office to be filled by the voters of the State at large may also be made by nomination papers signed in the aggregate for each candidate by 1% of the number of voters who voted in the next preceding statewide general election or 25,000 qualified voters of the State, whichever is less (10 ILCS § 5/10–3).

Nomination papers are to be filed with the State Board of Elections between 99 and 92 days prior to the date of the primary (10 ILCS § 5/7–12).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates of the several political parties or groups for electors of President and Vice President shall not be printed on the official ballot to be voted in the election to be held on the day in this Act above named. In lieu of the names of the candidates for such electors of President and Vice President, immediately under the appellation of party name of a party or group in the column of its candidates on the official ballot, to be voted at said election first above named in subsection (1) of section 2A–1.2 and section 2A–2, there shall be printed within a bracket the name of the candidate for President and the name of the candidate for Vice President of such party or group with a square to the left of such bracket. Each voter in this State from the several lists or sets of electors so chosen and selected by the said respective political parties or groups, may choose and elect one of

such lists or sets of electors by placing a cross in the square to the left of the bracket aforesaid of one such parties or groups. Placing a cross within the square before the bracket enclosing the names of President and Vice President shall not be deemed and taken as a direct vote for such candidates for President and Vice President, or either of them, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided. Voting by means of placing a cross in the appropriate place preceding the appellation or title of the particular political party or group, shall not be deemed or taken as a direct vote for the candidates for President and Vice President, or either of them, but instead to the presidential vote, as a vote for the entire list or set of electors chosen by that political party or group so certified to the State Board of Elections as herein provided (10 ILCS § 5/21–1(b)).

C. STATUTORY INSTRUCTIONS

The electors, elected as aforesaid, shall meet at the office of the Secretary of State in a room to be designated by him in the capitol at Springfield in this State, at the time appointed by the laws of the United States at the hour of 10:00 o'clock in the forenoon of such day, and give their votes for President and for Vice President of the United States, in the manner herein provided, and perform such duties as are or may be required by law (10 ILCS § 5/21–4).

INDIANA

Presidential Electors: 12

A. NOMINATION

(1) *Major parties*

Major political parties which received at least two percent of the total vote cast for Secretary of State at the last election shall nominate at the state convention candidates for presidential electors and alternate electors (Indiana Statutes Annotated §§ 3–8–4–1 and 3–8–4–2).

The state chairman of each political party shall certify to the secretary of state the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident. If candidates for presidential electors are nominated by petitioners instead of by a convention of a political party, the petitioners shall certify with the list of names of electors:

(1) the names of their nominees for President and Vice President of the United States; and

(2) the state of which each nominee is a resident. The names of:

(1) all candidates for presidential electors; and

(2) all nominees for President and Vice President of the United States; shall be certified by noon on the second Tuesday in September before the general election (§ 3–10–4–5).

(2) *Minor parties and independent candidates*

A candidate may be nominated for an elected office by petition of voters who are registered to vote at the time of signing the petition and qualified to vote for the candidate (§ 3–

8–6–2). A petition of nomination must be signed by the number of voters equal to two percent (2%) of the total vote cast at the last election for Secretary of State in the election district that the candidate seeks to represent. (§ 3–8–6–3). A petition of nomination must be submitted to the county voter registration office of each county in which the election district is located during the period beginning January 1 of the year in which the election will be held and ending at noon July 15 before the election (§ 3–8–6–10).

B. NAMES ON GENERAL ELECTION BALLOTS

Each vote cast or registered for the nominees for President and Vice President of the United States of a political party or group of petitioners is a vote cast or registered for all of the candidates for presidential electors of the party or group and shall be counted. These votes shall be counted, canvassed, and certified in the same manner as the votes for candidates for other offices (§ 3–10–4–4).

C. STATUTORY INSTRUCTIONS

The presidential electors who are elected at a general election shall assemble in the chamber of the Indiana house of representatives on the first Monday after the second Wednesday in December, or on another day fixed by the Congress of the United States, at 10 a.m. to elect the President and Vice President of the United States. The Governor shall deliver to the electors present a certificate of the names of all the electors (§ 3–10–4–7). If a presidential elector fails to appear before 11 a.m. on the day prescribed by section 7 [3–10–4–7] of this chapter, the electors present shall, by ballot and a majority vote of all those present, fill the vacancy. The election shall be immediately certified by a majority of the electors to the Governor, who shall immediately notify the person of the person's election (§ 3–10–4–8). The presidential elector, when assembled and after vacancies are filled, shall then vote by ballot for President and Vice President of the United States and perform the duties imposed upon them by the Constitution and statutes of the United States and of this State (§ 3–10–4–9).

IOWA

Presidential Electors: 7

A. NOMINATION

(1) *Major parties*

Electors are nominated by regular state party conventions, which shall be held either preceding or following the primary election at a time and place designated by the party state central committee, either preceding or following the primary election (Iowa Code Annotated, § 43.107). The names of candidates for President and Vice President of a political party as defined in the law shall be certified to the state commissioner by the party state chairperson and secretary of the state central committee at least 81 days prior to the general election (§ 54.5). The state central committee shall also file a list of the names and addresses of the party's presidential electors, one from each congressional district and two from

the state at large not later than 5 p.m. at least 81 days before the general election (§ 54.5).
(2) *Minor and new parties*
A political organization which did not cast at least 2 percent of the total vote cast for President of the United States or for Governor at the last general election (§ 43.2) may nominate one candidate for each office to be filled at the next general election. Such nomination shall be by convention or caucus (§ 44.1), provided that to qualify for making a nomination for statewide office, such political organization must have at its convention or caucus a minimum of 250 qualified electors with at least one elector from each of 25 counties (§ 44.1). The nomination certificate, signed by the chairman and secretary of such convention or caucus, shall be filed with the State Commissioner not more than 99 nor less than 81 days before the general election (§ § 44.2, 44.3, 44.4).
Certificates of nomination by such conventions for presidential electors in addition to the names and addresses of presidential electors are to contain the names of the candidates for President and Vice President (§ 44.3).
(3) *Independent candidates*
Nominations for candidates for President and Vice President and for State offices may be made by nomination papers signed by not less than one thousand five hundred eligible electors. Nomination papers for the offices of President and Vice President shall include the names of the candidates for both offices on each page of the petition. A certificate listing the names of the candidates for presidential electors, one from each congressional district, and two from the state at large, shall be filed in the State Commissioner's office at the same time nomination papers are filed (§ 45.1). Nomination papers are to be filed in the office of the State Commissioner not more than 99 nor less than 81 days before the general election (§ § 44.4, 54.5).

B. NAMES ON GENERAL ELECTION BALLOTS
The names of candidates for President and Vice President and not the names of the candidates for electors shall be placed on the ballots under the respective party names. A vote for the candidates of any political party or group of petitioners for President and Vice President shall be deemed conclusively to be a vote for each candidate nominated in each district and in the State at large by the party for electors (§ § 49.32, 54.2).

C. STATUTORY INSTRUCTIONS
The presidential electors shall meet in the capitol, at the seat of government, on the first Monday after the second Wednesday in December next following their election. If, at the time of such meeting, any elector for any cause is absent, those present shall at once proceed to elect, from the citizens of the State, a substitute elector or electors, and certify the choice so made to the Governor, and he shall immediately cause the person or persons so selected to be notified thereof. When so met, the said electors shall proceed, in the manner pointed out by law, with the election, and the Governor shall duly certify the result thereof, under the seal of the State,

to the United States Secretary of State, and as required by act of Congress relating to such elections (§ § 54.7, 54.8).

KANSAS

Presidential Electors: 6

A. NOMINATION

(1) *Major parties*

Kansas in 1961 changed the procedure for nominating presidential electors of the major political parties from the use of primaries to nomination at delegate or mass conventions or caucuses (Kansas Statutes Annotated, § 25–301). A convention or caucus shall be called by the State chairman of the party, or if there be no State chairman, by the party's candidate for Governor at the preceding general election (§ 25–302).

Party nominations for presidential elections can only be made by a delegate or mass convention or caucus of qualified voters belonging to a political party having a national or State organization. Certificates of nomination must be filed by noon on June 10 prior to the general election (§ §25–301, 25–305).

(2) *Minor and new parties*

Candidates for elective office who are members of any political party whose candidate for Secretary of State did not poll at least 5 percent of the total vote cast for all candidates for Secretary of State in the preceding general election shall not be entitled to nomination by primary but shall be nominated by a delegate or mass convention (§ 25–202). A convention shall be called as in (1) above. Presidential electors of such parties shall be nominated at State conventions (§ 25–301). Certificates of nomination shall be signed by the presiding officer and a secretary of the convention and filed with the Secretary of State by noon on June 10 prior to the general election (§§ 25–302, 25–305).

A new party organized in Kansas and any national political party seeking to organize in the State shall be allowed to make party nominations by mass conventions or caucus only after filing, with the Secretary of State not later than 12:00 noon, June 1, prior to the primary election held on the first Tuesday of August in even numbered years, petitions signed by qualified electors equal in number to at least 2 percent of the total vote cast for all candidates for governor in the last preceding general election. Such petitions shall declare support for the official recognition of a political party, the name of which shall be stated on the declaration (§ 25–302a). Candidates of such parties shall be nominated and their names certified in the same manner as by minor parties.

(3) *Independent candidates*

Candidates may be nominated by independent nomination papers signed by not less than 5,000 voters (§ 25–303, Supp.). Independent nomination petitions are to be filed with the Secretary of State or the county election officer by noon on the Monday preceding the first Tuesday of August prior to the general election (§ 25–305).

B. NAMES ON GENERAL ELECTION BALLOTS

The surnames of the candidates of each political party for the offices of President and Vice President, with the political designation thereof placed at the right of the surnames, shall be in one line (§ 25–615).

C. STATUTORY INSTRUCTIONS

The electors of President and Vice President of the United States shall convene at the capitol of the State on the first Monday after the second Wednesday in December after their election, at the hour of 12 o'clock noon of that day; and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill, by ballot and by a plurality of votes, such vacancy in the Electoral College, and when the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States (§ 25–802).

KENTUCKY

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

Any political organization, as defined in KRS 118.015, not constituting such a political party but which cast two percent (2%) of the vote of the state at the last preceding election for presidential electors, may nominate, by a convention or primary election held by the party in accordance with its constitution and bylaws, as many electors of President and Vice President of the United States as this State is entitled to elect (§ 118.325(1)).

Such nominations shall be certified in writing by the presiding officer and secretary of the convention. The certificates shall state the names of the candidates of the party for President and Vice President (§ 118.325(2)). Such certificates shall be filed with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which there is an election for President and Vice President of the United States and not later than the first Tuesday in September preceding the date fixed by law for the election of the electors (§ 118.365(6)).

(2) *Minor and new parties*

A political organization which cast at least 2 percent of the total vote of the State at the last presidential election may nominate candidates by convention or by a primary election held by the party in accordance with its constitution and bylaws. The certificates of nomination for statewide offices by such a convention or primary election, signed by the presiding officer and secretary of the convention or by the proper committee chairman and secretary, shall be filed with the Secretary of State as specified for major parties. (§ § 118.015(1), 118.325 (1), (2), 118.365(6)).

(3) *Independent candidates*

A candidate may become an independent candidate when a nominating petition is filed in his behalf signed by 5,000

qualified voters if office is voted for by the entire State (§ 118.315). Petitions should be filed with the Secretary of State (§ 118.356), within the time specified above for major parties. (§ 118.365(6)).

B. NAMES ON GENERAL ELECTION BALLOTS
Candidates for President and Vice President shall be entitled to have their names placed on the ballot for the regular election if they are candidates of those political parties and organizations which have nominated presidential electors as provided in Kentucky Revised Statutes, § 118.325, where the certificate of nomination of such electors has been filed with the Secretary of State within the appropriate time (§ 118.305).

C. STATUTORY INSTRUCTIONS
The electors of President and Vice President of the United States shall convene at the State capitol, at 11:45 a.m. on the first Monday after the second Wednesday in December next after their election, give their votes at or after 12:00 noon, and make return thereof according to law. If any elector fails to attend by 12:00 noon, on the day of the meeting, those in attendance shall fill his place by the election of another person, who shall have the same powers as if originally elected by the people (§ 118.445).

LOUISIANA
Presidential Electors: 9

A. NOMINATION
(1) *Political parties*
Nominations for candidates for Presidential electors made by each recognized political party shall be made in such manner as shall be determined by a resolution adopted by the State central committee of the respective recognized political party. Each recognized political party shall nominate a full slate of candidates for elector, one from each congressional district and two from the State at large (Louisiana Revised Statutes Annotated, § 18:1253(A)). The names of candidates nominated by each recognized political party shall be filed with the Secretary of State by sworn statement, which shall be known as a certificate of nomination. The certificate of nomination shall be sworn to, signed, and filed by the chairman and secretary of the State central committee, except when the State central committee orders the nomination of presidential electors by a convention, in which case the chairman and secretary of the convention shall swear to, sign, and file the certificate of nomination (§ 18:1253(B)).
Each certificate of nomination shall contain:
(a) the name and place of residence of each candidate for presidential elector;
(b) the particular office of presidential elector for which each is nominated;
(c) the name of the recognized political party making the nomination;
(d) the names of the candidates for President and Vice President supported by the party. In addition, a certificate of

nomination filed by the chairman and secretary of a State central committee shall certify the adoption by the State central committee of the resolution of the committee which authorized the method of nomination, the method of nomination used, and the time and place where the nomination took place. A certificate of a nominating convention also shall certify the adoption by the State central committee of the resolution which authorized the convention, the time, and place where the convention was held, and the election of the chairman and secretary. Each certificate of nomination filed with the Secretary of State shall be accompanied by the notarized affidavit of each candidate for elector signifying that the certificate constitutes his acceptance of the nomination (§ 18:1253(C)). The certificate of nomination shall constitute full proof of the nominations it recites and shall entitle the candidates for electors to each receive the number of votes received in the election by the party's candidate for President (§ 18:1253(D)).

If the nominees for the offices of President and Vice President nominated by a national convention of a recognized political party, together with a slate of candidates for the offices of presidential electors to support such nominees, are not properly certified to the Secretary of State by the state central committee of that party prior to five o'clock p.m. on the first Tuesday in September in a presidential election year, the national chairman of the political party, after notifying the chairman of the state central committee of that political party, shall certify a slate of electors to certify the nominees to support such nominees within forty-eight hours thereafter (§ 18:1253(E)). A political party is recognized if one of its candidates for presidential elector received at least 5 percent of the votes cast in the State for presidential electors in the last presidential election or if at least one thousand registered voters in the State are registered as being affiliated with the political party or if any one candidate of the political party for any statewide office received at least 5 percent of the votes cast for the statewide office in any general or primary election (§ 18:441(B) and (C)).

(2) *Independent candidates*

A slate of independent candidates for presidential elector may be nominated by nominating petitions or may qualify by the payment of a qualifying fee of $500. Such qualifying fee shall be paid in accordance with the provisions of R.S. 18:1254(A), Supp. The filing deadline for the qualifying fee is the first Tuesday in September (§ 18:1254(A)). Each qualifying fee shall be accompanied by the notarized affidavit of each candidate for elector signifying his acceptance of the nomination. An independent candidate for presidential elector may be registered to vote with or without a declaration of party affiliation (§ 18:1254(A)). A nominating petition for a slate of candidates for the offices of presidential elector shall be signed, filed, and certified as provided for State candidates voted on throughout the State (§ 18:1254(B)).

Any slate of candidates for presidential elector that qualifies by payment of a qualifying fee shall be a full slate of candidates for elector, one from each congressional district and

two from the State at large, and shall submit with the qualifying fee the following information for each candidate:
(1) The candidate's name;
(2) The address of his domicile;
(3) The office sought;
(4) The names of the candidate for President and the candidate for Vice President whom the candidates for elector support;
(5) The recognized political party, if any, with which each candidate for presidential elector is affiliated;
(6) In not more than three words, the political principle that he represents; and
(7) The date of the election for which he seeks to qualify (§ 18:1254(D)).
Certificates of nomination of presidential electors and all nominating petitions shall be filed with the Secretary of State during the period beginning on the first Tuesday in August and ending at 5:00 p.m. on the first Tuesday in September of each year in which a presidential election is to be held (§ 18:1255).

B. NAMES ON GENERAL ELECTION BALLOTS

The ballot shall be so arranged that the names of the candidate for President and the candidate for Vice President nominated by each recognized political party, by nominating petition, or by the filing of notices of candidacy accompanied by a qualifying fee shall appear prominently together with the name of the presidential candidate on top and the name of the vice presidential candidate directly underneath on the vertical type voting machine, and with the name of the presidential candidate on the left and the name of the vice presidential candidate directly to the right on the horizontal type voting machine.
Directly to the left of the names of the presidential and vice presidential candidates on the vertical type voting machine, and on the horizontal type voting machine, shall appear:
(a) If nominated by a recognized political party, the name of the party and such national party emblem, if any, or state party device, if any, as the state central committee of the party shall direct, and
(b) If nominated by a nominating petition or by the filing of notices of candidacy, the political principal which the candidates support, as stated on the nominating petition or on the notices of candidacy, if any, and the words "Nominating Petition" or the abbreviation "Nom. Petition" shall appear if nominated by petition.
Immediately below the name of the party, or, if nominated by a nominating petition, the words "Nominating Petition" or the abbreviation "Nom. Petition" shall appear the word "Electors". Immediately below the word "Electors" the names of the presidential electors nominated in support of the nominees for president and vice president of that party or political principal shall appear. On a voting machine, there shall be a single lever, button, or candidate selection button with which to mark the ballot opposite each pair of names. On paper ballots, there shall be a single box within which to mark the ballot opposite each pair of names. In preparing

the ballots, the secretary of state shall arrange the names of the candidates of recognized political parties alphabetically, according to the names of the parties, followed by the names of the candidate nominated by nominating petitions and by the filing of notices of candidacy, listed alphabetically by designation of political principal (§ 18:1259(B)).

C. STATUTORY INSTRUCTIONS

The electors shall meet in the State capitol in Baton Rouge on the day appointed for their meeting by Federal law and shall execute the duties and services enjoined upon them by the Constitution and laws of the United States. Notice of the time and place of the meeting shall be transmitted to each elector by the Secretary of State no later than seven days preceding the day of the meeting (§ 18:1263).

MAINE

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated at biennial State conventions of the respective parties held in presidential election years between March 1 and August 1 (Maine Revised Statutes, title 21–A, § 321(2)). A "major party" is one which at the last gubernatorial election polled the greatest or next greatest number of votes cast in the State for Governor (21–A, M.R.S. § 1(22)).

(2) *Minor and new parties*

A "minor party" means one other than a major party (21–A M.R.S. § 1(24)).

"Party" refers to a political organization which has qualified to participate in a primary or general election pursuant to chapter 5 (21–A M.R.S. § 1(28)).

In addition to the procedure under section 302, a party whose designation was not listed on the general election ballot in the last preceding gubernatorial or presidential election qualifies to participate in a primary election, if it meets the requirements of subsections 1, 2, 3 and 4.

1. **Declaration of intent.** A voter or group of voters who are not enrolled in a party qualified under section 301 must file a declaration of intent to form a party with the Secretary of State. The declaration of intent must be on a form designed by the Secretary of State and must include:

A. The designation of the proposed party; and

B. The name and address of the voter or one of the group of voters who file the declaration of intent.

2. **Enrollment of voters.** After filing the declaration of intent required in subsection 1, the voter or voters proposing to form the party may then enroll voters in the proposed party under sections 141 to 145.

3. **Petition.** After filing the declaration described in subsection 1, the voter or a group of voters may then circulate petitions. These petitions must be signed in the same manner as primary petitions under section 335, subsections 3 and 4. The circulator of the petition must certify his belief that the signatures on it are genuine and that the signers

are registered and enrolled voters. Each page of the petition must have a caption, in conspicuous type, which contains the designation of the proposed party followed by the words "Petition to participate in the primary election." The Secretary of State shall prepare forms for these petitions. The petitions must be filed in the office of the Secretary of State before 5 p.m. on the 180th day preceding a primary election and must contain the signatures and legal addresses of voters, equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election (21–A M.R.S. § 303).

(3) *Independent candidates*

The names of presidential electors must be placed on the petition as a slate. The names of the candidates for President and Vice President must be placed on a petition for the nomination of presidential electors. A nomination petition may be signed only by voters of the electoral division which is to make the nomination, except that nomination petitions for presidential electors may be signed by any Maine voter. Other signatures are void. Nomination petitions must be signed by the following numbers of voters:

For a slate of candidates for the office of presidential elector, at least 4,000 and not more than 6,000 voters. A nomination petition may not be signed before January 1st of the election year in which it is to be used. A nomination petition must be filed in the office of the Secretary of State by 5 p.m. on the date of the primary election (21–A M.R.S. § 354).

B. NAMES ON GENERAL ELECTION BALLOTS

A vote for a presidential and vice presidential candidate is considered a vote for the electors representing that party (21–A M.R.S. § 801).

C. STATUTORY INSTRUCTIONS

The duties of the presidential electors in convention are as follows:

1. When convened as required by section 804, the presidential electors shall each cash separate ballots for President and Vice President, at least one of whom must not be a resident of this State.
2. The presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State. The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in each respective congressional district.
3. The presidential electors shall make and subscribe to 6 certificates containing the number of votes cast separately for President and Vice President. They shall attach one of the lists of electors furnished them by the Governor to each certificate. They shall seal each certificate and attached list in an envelope stating that a certificate of the votes of this State for President and Vice President is contained inside.
4. The presidential electors shall send immediately by registered mail one certificate to the President of the Senate of the United States and 2 certificates to the Archivist of the

United States in Washington, DC. The presidential electors shall deliver 2 certificates to the Secretary of State, who shall hold onto them subject to the order of the President of the Senate of the United States and shall retain the other for public inspection for one year. The presidential electors shall deliver one certificate to the Chief Judge of the United States District Court for the District of Maine (21–A M.R.S. § 805).

MARYLAND

Presidential Electors: 10

A. NOMINATION

(1) *Major parties*

Each political party shall nominate or provide for the nomination of candidates for presidential electors of the party in accordance with the party rules. The number of candidates nominated by each political party shall be the number that this state is entitled to elect. The names of persons nominated by a political party as candidates for presidential electors shall be certified by the presiding officers of the political party to the State Administrative Board of Election Laws (Md. Ann. Code art. EL, § 8–503).

(2) *Minor and new parties*

If any political party polls less than one percent of the entire vote cast in the State for the highest office on the ballot in a statewide general election, such party shall cease to be a political party, and in subsequent elections must qualify as a new party to participate in elections (Md. Ann. Code. art. EL, § 4–103).

Any group of voters wishing to form a new political party shall do so by filing with the State Administrative Board of Election Laws a petition for formation of a political party which shall declare their intention of organizing a State political party, the name of which shall be stated in the petition together with the name and address of the State chairman thereof and the names and addresses of at least twenty-five persons who shall be designated as constituting the governing body of the party. Appended to the petition shall be papers bearing the signatures of at least ten thousand qualified voters of the State (Md. Ann. Code art. EL, § 4–102(a) and (b)). A petition for the formation of a new political party may not be filed in a presidential election year after the first Monday in August until after voter registration reopens after the general election (Md. Ann. Code art. EL, § 4–102(c)).

The constitution and bylaws of the new party shall be adopted by the individuals designated in the petition as the initial governing body within 90 days of filing the last qualifying signature on the petition (Md. Ann. Code art. EL, § 4–102(e)).

(3) *Independent candidates*

A candidate may be nominated by petition if the candidate is not associated with any political party. The candidate must file petitions signed by at least one percent of the registered voters (Md. Ann. Code art. EL, § 5–703).

The petition with the required number of signatures is to be filed with the appropriate board by not later than 5 p.m. on the first Monday in August (Md. Ann. Code § 5–703).

B. NAMES ON GENERAL ELECTION BALLOTS

Presidential electors shall be elected at large by the voters of the entire state. The names of Presidential electors shall not appear on the ballot. A vote for the candidates for President and Vice President of a political party shall be counted as a vote for the electors of that party (Md. Ann. Code art. EL, § 8–504).

C. STATUTORY INSTRUCTIONS

The presidential electors elected at the November election shall meet in the State House in Annapolis. After taking the oath prescribed by Article I, § 9 of the Maryland Constitution, they shall cast their votes for the candidates for President and Vice President who received a plurality of the votes cast in the State (Md. Ann. Code art. EL, § 8–505).

MASSACHUSETTS

Presidential Electors: 12

A. NOMINATION

(1) *Major parties*

The State committees of the respective political parties at a meeting called for the purpose shall nominate the presidential electors. The surnames of the candidates for President and Vice President of the United States shall be added to the party or political designation of the candidates for presidential electors. Such surnames and a list of the persons nominated for presidential electors together with an acceptance in writing signed by each candidate for elector shall be filed by the state chairmen of the respective political parties not later than the second Tuesday of September (Massachusetts General Laws Annotated, ch. 53, § 8). Nomination papers for presidential elector are to be filed on the last Tuesday in August in which a presidential election is to be held (ch. 53. § 10).

(2) *Minor and new parties*

At any primary, caucus or convention, each party having the right to participate in or hold the same may nominate as many candidates for each office for which it has the right to make nominations therein as there are persons to be elected to that office, and no more. A party which makes one or more nominations shall be entitled to have the name of each of its candidates printed on the ballot to be used at the ensuing election; but, unless the nomination is made by direct plurality vote in a primary or in several caucuses held in more than one ward or in more than one precinct or group of precincts, a certificate of nomination must be filed with the Secretary of State (ch. 53, § § 1, 5, and 10).

Such State convention shall be held not earlier than 4 days after the caucuses at which delegates to such convention were elected, and not later than 48 hours prior to the hour for filing certificate of nomination (ch. 53, § 4).

The certificate of nomination with the candidates' written acceptance, except for presidential electors, should be filed by the secretary of the convention with the Secretary of State within 72 hours succeeding 5 p.m. of the day on which the

caucus was held or the session of the convention terminated (ch. 53, §§5 and 9).

Nomination papers should include the party, if any, which a candidate represents (ch. 53, §8). Names of candidates for President and Vice President shall be added to the party or political designation of candidates for presidential electors (§8). Provisions of this paragraph also apply to nomination papers for independent and new party candidates.

(3) *Independent candidates*

Nomination papers are required for candidates to be voted on by the State at large, signed by voters equal in number to one half of one percent of the entire State vote for Governor at the last biennial election (ch. 53, §6). Candidate's written acceptance must accompany nomination papers (ch. 53, §9). Nomination papers should be submitted to registrars of signer's city or town of voting residence for certification on or before 5:00 p.m. of the 7th day before last date for filing (ch. 53, §7), and should be filed with the Secretary of State (ch. 53, §9). Nomination papers for presidential elector are to be filed on or before the last Tuesday in August of the year in which a presidential election is to be held (ch. 53, §10).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for presidential electors shall not be printed on the ballot, but in lieu thereof, the surnames of the candidates of each party for President and Vice President in one line under the designation "Electors of President and Vice President." A square in which the voter may designate his choice for electors is at the right of each political designation. The candidates for electors are nominated to vote for the party's candidates for President and Vice President. The vote for such latter candidates on the State ballot, however, shall be deemed as a vote for the candidates for electors (ch. 54, §§43, 43A, 78).

C. STATUTORY INSTRUCTIONS

Candidates for President and Vice President and State chairmen when filing the list of nominees for presidential elector must also file an acceptance in writing signed by each candidate for presidential elector on a form to be provided by the Secretary of State. The acceptance form shall include a pledge by the presidential elector to vote for the candidate named in the filing (ch. 53, §8).

Persons chosen as presidential electors shall meet at the statehouse on the date fixed by Federal law and organize. A journal of their proceedings shall be kept and shall be deposited in the office of the Secretary of State (ch. 54, §148).

MICHIGAN

Presidential Electors: 18

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated by major parties at their respective regular fall State conventions (Michigan Compiled Laws, §168.42). Such conventions shall commence not less

than 60 days before the November general election at a time and place designated by the party State central committee. The calls for such conventions shall be issued at least 60 days prior to the August primaries (§ 168.591).
The primary is held on the Tuesday succeeding the first Monday in August (§ 168.534). August 12, 2008.
Each respective State central committee in its call for the State convention shall forward a notice to the chairman of each county committee of the party showing the number of delegates to which each county shall be entitled in the State convention of the party, and the State central committee shall apportion such delegates to the several counties in proportion to the number of votes cast for the candidate of the party for Secretary of State in each of said counties, at the last preceding November election. In addition to the proportionate number of delegates allocated to each county, the State central committees shall allocate an additional number of delegates equal to the number of incumbent legislators nominated by their party and residing in such county (§ 168.598).
County conventions meet to choose delegates to the State conventions which shall be held not less than 8 nor more than 19 days after the August primaries (§ 168.592).
The names of all the candidates for electors as well as the candidates of the party for the offices of President and Vice President shall be certified by the State central committee of each party to the Secretary of State and the various county boards of election commissioners within 24 hours after the conclusion of the conventions (§ 168.686).
(2) *Minor and new parties*
Any political party which failed to have at least one candidate who received at least 5 percent of the total vote cast for all candidates for the office of Secretary of State in the last preceding State election, either in the State or in any political subdivision affected, shall not make its nominations by the direct primary method. The nomination of candidates of such parties shall be made by means of caucuses and conventions (§ § 168.532, 168.686a). A convention for the selection of presidential electors shall commence at least 60 days prior to the November general election (§ § 168.42, 168.591). Such nominations shall be certified by the chairman and secretary of the convention or caucus, under oath, and there shall accompany such certifications a written acceptance of nomination by each candidate and affidavit of identity (§ 168.686a).
Nomination certificates shall also contain the designation of the party (§ 168.687). In each presidential election year, names of a party's candidates for President and Vice President shall be filed at the same time (§ 168.686). The name of no candidate of a new political party shall be printed upon the official ballots of any election unless the chairperson and secretary of the state central committee of the party shall have filed with the secretary of state not later than 4 p.m. of the 110th day before the November general election, a certificate signed by them bearing the name of the party, together with petitions bearing the signatures of registered and qualified electors equal to not less than one percent of

the total number of votes cast for governor at the last election in which a governor was elected. The petitions shall be signed by at least 100 residents in each of at least one half of the congressional districts of the State and not more than 35 percent of the minimum required number of the signatures may be resident electors of any one congressional district (§ 168.685). New parties shall nominate presidential electors in the same manner as other parties (§ 168.42).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President are printed on the general State ballot in lieu of the names of the electors. The office title, however, reads "Electors of President and Vice President of the United States" (§ 168.706). A vote for the presidential and vice presidential candidates shall be deemed a vote for their entire list of presidential electors (§ 168.45).

C. STATUTORY INSTRUCTIONS

The electors shall convene in the senate chamber at the State capitol at 2:00 p.m. on the first Monday after the second Wednesday in December after their election (§ 168.47). Those candidates for electors of President and Vice President shall be deemed elected whose names have been certified to the Secretary of State by that political party receiving the greatest number of votes for the office at the ensuing November election (§ 168.42).

MINNESOTA

Presidential Electors: 10

A. NOMINATION

(1) *Major parties*

Presidential electors for the major political parties of this state shall be nominated by elegate conventions called and held under the supervision of the respective state central ommittees of the parties of this state. On or before primary election day the chair of the major political party shall certify to the secretary of state the names of the persons ominated as presidential electors, the names of eight alternate presidential electors, and the names of the party candidates for President and Vice President. (Minnesota Statutes Annotated, § 208.03).

"Major political party" means a political party that maintains a party organization in the State, political division or precinct in the question and:

(a) Which has presented at least one candidate for election to a partisan office at the last preceding State general election, which candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(b) Whose members present to the county auditor a petition for a place on the State partisan primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding State general election in the

county where the application is submitted (§ 200.02, Subd. 7).
(2) *Minor and new parties*
Candidates for any partisan office who do not seek the nomination of a major Political Party shall be nominated by nominating petition and shall file an affidavit of candidacy (§ 204B.03). On petitions nominating presidential electors, the names of the candidates for President and Vice President shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the State is entitled (§ 204B.07, Subd. 2).
Nominating petitions shall be signed during the period when petitions may be filed as provided in section 204B.09. A nominating petition may be signed only by individuals who are eligible to vote for the candidate who is nominated. No individual may sign more than one nominating petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.
The number of signatures required on a nominating petition for a State office voted on statewide shall be one percent of the total number of individuals voting in the State at the last preceding State general election, or 2,000, whichever is less (§ 204B.08, Subds. 1–3).
Candidates for presidential electors may file affidavits and petitions between 70 and 56 days before the State primary day (§ 204B.09, Subd. 1).
(3) *Independent candidates* (See *Minor and new parties supra*).

B. NAMES ON GENERAL ELECTION BALLOTS
The names of the party candidates for President and Vice President rather than the names of the persons nominated for presidential elector are printed on the ballot, and a vote for the candidate shall be counted as a vote for each of the party's electors (§ 208.04).

C. STATUTORY INSTRUCTIONS
The presidential electors, elected at the November election, shall meet at 12:00 noon in the executive chamber at the State capitol on the day fixed by Congress for voting for President and Vice President, and then and there perform all the duties imposed upon them as such electors by the Constitution and laws of the United States and the State (§ § 208.06–208.08).

MISSISSIPPI
Presidential Electors: 7

A. NOMINATION

(1) *Major parties*
At the State convention, a slate of electors composed of the number of electors allotted to this State, which said electors announce a clearly expressed design and purpose to support

the candidates for President and Vice President of the national political party with which the said party of this State has had an affiliation and identity of purpose heretofore, shall be designated and selected for a place upon the primary election ballot (Mississippi Code Annotated, § 23–15–771).

When presidential electors are to be chosen, the Secretary of State of Mississippi shall certify to the circuit clerks of the several counties the names of all candidates for President and Vice President who are nominated by any national convention or other like assembly of any political party or by written petition signed by at least one thousand (1,000) qualified voters of this State. The certificate of nomination by a political party convention must be signed by the presiding officer and secretary of the convention and by the chairman of the State executive committee of the political party making the nomination. Any nominating petition, to be valid, must contain the signatures as well as the addresses of the petitioners. Such certificates and petitions must be filed with the State Board of Election Commissioners by filing the same in the office of the Secretary of State not less than sixty (60) days previous to the day of the election (§ 23–15–785).

(2) *Minor parties, new parties and independent candidates*

Presidential electors may be nominated by an assembly of any political party or by written petition signed by at least 1,000 qualified voters. The Secretary of State shall certify to the county clerks the names of nominated candidates for President and Vice President (§ 23–15–785(1)).

B. NAMES ON GENERAL ELECTION BALLOTS

The State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words "PRESIDENTIAL ELECTORS FOR (here insert the name of the candidate for President, the word 'AND' and the name of the candidate for Vice President)" in lieu of placing the names of such presidential electors on such official ballots, and a vote cast therefor shall be counted and shall be in all respects effective as a vote for each of the presidential electors representing such candidates for President and Vice President of the United States. In the case of unpledged electors, the State Board of Election Commissioners and any other official charged with the preparation of official ballots shall place on such official ballots the words, "UNPLEDGED ELECTOR(S)" (here insert the name(s) of individual unpledged elector(s) if placed upon the ballot based upon a petition granted in the manner provided by law stating the individual name(s) rather than a slate of electors) (§ 23–15–785(4)).

C. STATUTORY INSTRUCTIONS

Each certificate of nomination and nominating petition must be accompanied by a list of the names and addresses of persons, who shall be qualified voters of this State, equal in number to the number of presidential electors to be chosen. Each person so listed shall execute the following statement

which shall be attached to the certificate or petition when the same is filed with the State Board of Election Commissioners: "I do hereby consent and do hereby agree to serve as elector for President and Vice President of the United States, if elected to that position, and do hereby agree that, if so elected, I shall cast my ballot as such for _____ for President and _____ for Vice President of the United States" (inserting in said blank spaces the representative names of the persons named as nominees for said respective offices in the certificate to which this statement is attached) (§ 23–15–785(3)).

The electors chosen shall meet at the seat of government of the State on the first Monday after the second Wednesday in December next following their election, and shall there give their votes for President and Vice President of the United States, and shall make return thereof agreeably to the laws of the United States; and should any elector so chosen fail to attend and give his vote, the other electors attending shall appoint some person or persons to fill the vacancy or vacancies, who shall attend and vote as electors; and such appointment shall be forthwith reported to the Secretary of State (§ 23–15–789).

MISSOURI

Presidential Electors: 11

A. NOMINATION

(1) *Major parties*

The State committee of any established political party may call a convention of delegates to be apportioned, chosen, or elected in such manner as it may prescribe for the purpose of nominating presidential electors (Vernon's Annotated Missouri Statutes, § 115.625). The term "established political party" for the State means a political party which at either of the last two general elections polled for its candidate for any statewide office more than two percent of the entire vote cast for the office (§ 115.013(10)).

Not later than the third Tuesday prior to each presidential election, the State committee of each established political party shall certify in writing to the Secretary of State the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each State committee, and the number of nominees for presidential elector named by each State committee shall equal the number to which the State is entitled (§ 115.399(2)).

(2) *New parties*

Any group of persons desiring to form a new political party throughout the State shall file a petition with the Secretary of State. The petition shall declare the intention to form a new political party, state the name of the proposed party, give the names and addresses of the chairman and treasurer of the party. If presidential electors are to be nominated by petition, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the State is entitled, and the

names of their candidates for President and Vice President shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for President and Vice President may be added to the party name, but the names of the candidates for President and Vice President shall not be printed on the official ballot without their written consent. Their written consent shall accompany and be deemed part of the petition. If the new party is to be formed for the entire State, the petition shall be signed by at least ten thousand registered voters of the state obtained at large (§ 115.315).

The filing of a valid petition shall constitute the political group a new party for the purpose of placing its name and the names of the candidates which were submitted pursuant to § 115.327 on the ballot at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the names of their candidates for President and Vice President shall be placed on the official ballot at the next presidential election (§ 115.317).

The Secretary of State shall not accept for filing any petition for the formation of a new party which is submitted before 8 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5 p.m. on the fifteenth Monday immediately preceding the general election for which the petition is submitted (§ 115.329).

(3) *Independent candidates*

Any person desiring to be an independent candidate for any office to be filled by voters throughout the State shall file a petition with the Secretary of State. The petition shall declare the intention to nominate an independent candidate, state the name and address of the independent candidate, and the office for which the candidate is to be nominated. If independent candidates for presidential elector are to be nominated, a number of independent candidates for presidential elector equal to the number of electors to which the State is entitled shall be nominated by one petition, and the names of their candidates for President and Vice President shall be printed on each page or a sheet attached to each page of the petition. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector, and the name and address of each candidate shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for President and Vice President shall not be printed on the official ballot without their written consent. Their written consent shall accompany and be deemed part of the petition (§ 115.321).

If an independent candidate is to be nominated for a statewide office, the petition shall be signed by at least ten thousand registered voters of the state. The name of each person who files a valid petition for nomination as an independent candidate shall be placed on the official ballot as an independent candidate for the office at the next general election

or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the names of their candidates for President and Vice President shall be placed on the official ballot at the next presidential election (§ 115.321).
The Secretary of State shall not accept for filing any petition for the nomination of an independent candidate which is submitted before 8 a.m. on the day immediately following the general election next proceding the general election for which the petition is submitted or which is submitted after 5 p.m. on the fifteenth Monday immediately preceding the general election for which the petition is submitted (§ 115.329).

B. NAMES ON GENERAL ELECTION BALLOTS
In place of the names of candidates for electors of President and Vice President of any political party or group of petitioners there shall be printed the names of candidates of each political party for President and Vice President. A vote for any of such candidates for President and Vice President shall be a vote for the electors of the party by which such candidates were named and whose names have been filed with the Secretary of State (information received from office of Missouri Secretary of State; *see also* §§ 115.317 and 115.321(5)).

C. STATUTORY INSTRUCTIONS
Not later than the third Tuesday before each presidential election, the State committee of each established political party shall certify in writing to the Secretary of State the names of its nominees for presidential elector (§ 115.399(2)). The electors of President and Vice President shall meet and give their votes on the first Monday after the second Wednesday in December following their appointment (3 U.S.C. § 7). The electors are notified of their election, and they assemble at the seat of government by 2 p.m. of the day specified by 3 U.S.C. § 7 to perform the duties enjoined upon them by Federal law. If there is a failure to elect, the electors attending at the time and place shall appoint a suitable person or persons to fill the vacancy or vacancies (§ 128.130).

MONTANA
Presidential Electors: 3

A. NOMINATION
(1) *Major parties*
Every political party that had a candidate for a statewide office who received a total vote that was 5 percent or more of the total votes cast for the successful candidate for Governor in either of the last two general elections shall nominate presidential electors and file certificates of nomination for these candidates with the Secretary of State no later than 75 days before the general election and in the manner and number provided by law. The Secretary of State shall certify to the election administrator the names of the candidates for

President and Vice President of the several political parties, which shall be printed on the ballot. The names of candidates for electors of President and Vice President may not be printed upon the ballot (Montana Code Annotated, § 13–25–101).

(2) *Independent or minor party candidates*

An individual who desires to run for President or Vice President as an independent candidate or as a candidate of a party which did not receive in an election for a statewide office a total vote that was 5 percent or more of the total votes cast for the successful candidate for Governor in either of the last two general elections shall file a petition for nomination with the Secretary of State 90 days prior to the date of the general election. The petition must first be submitted, at least one week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification. The petition must have the signatures of electors equal to 5 percent or more of the total votes cast for the successful candidate for Governor at the last general election or 5,000 electors, whichever is less. The names of the candidates for the required number of presidential electors allowable to Montana shall be certified to the Secretary of State when the petition for nomination is filed (§ 13–10–504).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for electors or President and Vice President may not be printed on the ballots; only the names of the candidates for President and Vice President should appear on the ballots (§ 13–25–101).

C. STATUTORY INSTRUCTIONS

The electors shall meet in Helena at 2:00 p.m. on the first Monday after the second Wednesday in December following their election. They shall vote by separate ballots for one person for President and one for Vice President. They shall cast their ballots for the persons who received the highest number of votes for President and Vice President, respectively. They shall make lists of the persons voted for, indicate the number of votes for each, certify, seal, and transmit the lists as prescribed by United States laws (§ § 13–25–104 and 13–25–105).

NEBRASKA

Presidential Electors: 5

A. NOMINATION

(1) *Major parties*

Each of the various political parties shall hold a delegate state postprimary convention biennially on a date to be fixed by the state central committee but not later than October 1. Such convention shall nominate candidates for such elective state offices as are excepted from the operation of the direct primary law. Such nominations shall be certified to the Secretary of State by the presiding officer and the secretary of the convention, as such, which certificates shall have the same force and effect as nominations in primary elections,

and shall be treated accordingly. The convention shall formulate and promulgate a state platform, select a state central committee and select electors for President and Vice President of the United States, the names of whom shall be certified to the Governor and Secretary of State by the officers of such convention. The state convention shall exercise such powers as ordinarily vest in conventions and shall transact such business as shall properly come before it. (Revised Statutes of Nebraska, § 32–556).

At least 60 days prior to any general election at which candidates for President and Vice President are to be voted upon by the electors of the state, the appropriate officers of the various national political conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State shall then take appropriate steps to place the names of the presidential and vice-presidential candidates on the ballot in accordance with provisions of law (§ 32–561).

(2) *Minor and new parties*

A party which failed to poll at least 5 percent of the entire vote in the State must use the methods prescribed for a newly formed party in order to get its candidates' names upon the primary ballot (§ § 32–521, 32–526).

In order to form a new political party there shall be presented to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for the office of Governor at the most recent general election for such office. The signatures of registered electors on such petitions must be so distributed as to include qualified registered electors totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts. The petitions must be filed with the Secretary of State at least 90 days before any State primary election held under the laws of this State if the new political party desires to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary of that year, such petitions must be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of such petitions to form a new political party, a sample copy of such petitions must be filed with the Secretary of State by the individual, group or association seeking to establish the new party. In addition, the sample petition shall be accompanied by a verified list of the names and addresses of the individual or the members of the group or association sponsoring the petition to form a new political party (§ 32–526(1)).

Every circulator of a petition shall be not less than the constitutionally prescribed age of an elector, a resident, and a registered voter of the State of Nebraska and of the county wherein the petitioners reside (§ 32–526(3)) .

Clerical and technical errors in a petition shall be disregarded if the forms prescribed are substantially followed (§ 32–526(4)).

Within 10 days after all petitions containing signatures are filed with the Secretary of State, he shall determine the va-

lidity and sufficiency of such petitions and signatures. If the petitions to form the new political party are determined to be sufficient and valid, the Secretary of State shall issue a certification establishing the new political party. Copies of such certification shall be issued to the person, group or association forming the new political party. Within 20 days after the certification of establishment of the new political party by the Secretary of State, the person, group or association forming the party or its new officers shall file with the Secretary of State the constitution and by-laws of such party along with a certified list of the names and addresses of the officers of the new political party (§ 32–526(5)).

The petitions to form a new political party shall state the name of the party to be formed, but the name of any then existing political party or any word forming any part of the name of any party then existing shall not be adopted (§ 32–526(6)).

A new political party established prior to the primary election of that year shall be entitled to have a separate party ballot at the next primary election held thereafter. Such party and its candidates shall be subject to and governed by the statutes governing existing political parties. Candidates for political office may register as members of the new political party and file for office as candidates under the party label of the new political party in accordance with the filing deadlines as established by law (§ 32–526(7)).

Any person signing any name other than his own to any petition or knowingly signing his name more than once, or who is not, at the time of signing or circulating the same, a legal voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any officer or person willfully violating any provision of this section, shall be guilty of a class V misdemeanor (§ 32–526(8)).

Candidates for the offices of President and Vice President of newly established political parties or of an independent status may obtain general election ballot position by filing with the Secretary of State an application with the following information:

(a) the name or names to be printed on the ballot;

(b) the status of the candidacy, whether independent or partisan;

(c) the written consent of the designated vice presidential candidate to have his or her name printed on the ballot;

(d) a list of names and addresses of the persons to represent the applicant as presidential elector candidates and the written consent of these persons to become candidates; and

(e) a petition signed by qualified voters numbering not less than 2,500. The petitions shall not be circulated until after the date of the primary election in that election year (§ 32–504(3)).

(3) *Independent candidates*

Candidates for the offices of President and Vice President of an independent status may obtain general election ballot position by filing with the Secretary of State an application containing the following information:

(a) the name or names to be printed on the ballot;

(b) the status of the candidacy, whether independent or partisan;
(c) the written consent of the designated vice presidential candidate to have his or her name printed on the ballot;
(d) a list of names and addresses of the persons to represent the applicant as presidential elector candidates and their written consent to become candidates; and
(e) a petition signed by qualified voters numbering not less than 2,500. These petitions shall not be circulated until after the date of the primary election in that election year. Voters who voted in the primary of any political party that held a presidential preference primary that year are ineligible to sign the petitions of an independent candidate for President (§ 32–504(3)).

B. NAMES ON GENERAL ELECTION BALLOT

At least sixty days prior to any general election at which candidates for President and Vice President are to be voted upon by the electors of the State, the appropriate officers of the various national political conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State then takes appropriate steps to place the names of the presidential and vice presidential candidates on the ballot in accordance with provisions of law (§ 32–561).

The candidates of political parties nominated at conventions for presidential elector do not appear on the ballot. In their places appear the names of candidates for President and Vice President grouped together in the space entitled "Presidential Ticket" (§ 32–813(2)). The canvass of the votes for candidates for President and Vice President and the return thereof is a canvass and return of the votes cast for presidential electors of the same party or group of petitioners respectively and certificates of election are issued to the electors (§ 32–1038).

One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large (§ 32–556).

C. STATUTORY INSTRUCTIONS

The electors are issued a certificate of appointment by the Governor directing them to be at the State capitol at noon on the first Monday after the second Wednesday in December and report to the Governor as being in attendance. The electors convene at 2 p.m. on such Monday at the executive office in the capitol and proceed to fill any vacancy in the office of elector. The college of electors proceeds with the election of a President and Vice President and certifies their votes in conformity with the Constitution and laws of the United States (§ § 32–546 to 32–548).

Each at large presidential elector shall cast his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state. Each congressional district presidential elector shall cast his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district (§ 32–548).

NEVADA

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Each political party in this State, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall, at the State convention of the political party held in that year, choose from the qualified electors, who are legally registered members of such political party, the number of presidential electors required by law and no more, who shall be nominated by the delegates at the State convention. Upon the nomination thereof, the chairman and the secretary of the convention shall certify the names and addresses of such nominees to the Secretary of State, who shall record the names in his office as the presidential elector nominees of that political party (Nevada Revised Statutes Annotated, § 298.020(1)).

(2) *Minor and new parties*

Each minor political party in this state, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall choose from the qualified electors, the number of presidential electors required by law. The person who is authorized to file the list of candidates of the minor political party with the Secretary of State pursuant to NRS 293.1725 shall certify the names and addresses of the nominees to the Secretary of State, who shall record the names in his office as the nominees of that political party for presidential elector (§ 298.020(2)).

(3) *Independent candidates*

A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be held, pay a filing fee of $250 and file with the Secretary of State a declaration of candidacy and a petition of candidacy, in which he may also designate his nominee for Vice President. The petition must be signed by a number of registered voters equal to not less than 1 percent of the total number of votes cast at the last preceding general election for candidates for Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year.

The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition of candidacy with the Secretary of State. Each person signing shall add to his signature the address of the place at which he resides, the date of signing, and the name of the county wherein he is registered to vote. Each document of the petition must also contain the affidavit of the

person who circulated the document that all signatures thereon are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

Each independent candidate so nominated for the office of President shall at the time of filing his petition or within 10 days thereafter, file with the Secretary of State his written designation of the names of the number of presidential electors then authorized by law, whom the independent candidate desires to act as his electors, all of whom must then be registered voters. Immediately following receipt of each candidate's written designation of his nominees for electors, the Secretary of State shall record them in his office as the nominees for presidential electors of that independent candidate.

If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the first judicial district court not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the fourth Tuesday in August (§ 298.109).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for elector are not printed on the ballot. In the general election only the names of the candidates of the respective parties for President and Vice President are printed on the ballot, but the presidential elector nominees of the political party whose candidates for President and Vice President receive the highest number of votes shall be deemed the elected presidential electors and thereafter they shall perform the duties of presidential electors required by law and the Constitution of the United States (§ 298.025).

C. STATUTORY INSTRUCTIONS

The presidential electors so chosen shall convene at the seat of government on the 1st Monday after the second Wednesday in December next after their election, at 2:00 p.m., or on such other date the Congress of the United States may by law hereafter provide (§ 298.030). The presidential electors, when convened, shall vote by ballot for one person for President and one person for Vice President, one of whom, at least, shall not be an inhabitant of the State. The presidential electors shall vote only for the nominees for President and Vice President of the party or the independent candidates that prevailed in the State in the preceding general election (§ 298.050).

NEW HAMPSHIRE

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Presidential electors shall be nominated by state party conventions as provided in New Hampshire Revised Statutes § 667.21.

Not earlier than the third Tuesday of September following any primary and not later than the last Tuesday of October, upon the call of the chairman of the State committee of the party, the nominees of each party for the offices of Governor, U.S. Senator, U.S. Representative, councilors, State senators, county officers, representatives, and State delegates elected, and an incumbent U.S. Senator whose term does not expire during the January following the general election, shall meet in State convention for the purpose of nominating presidential electors. Presidential electors nominated by the convention shall be certified to the Secretary of State by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the Secretary of State shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties (§ 667:21).

(2) *Minor and new parties*

As an alternative to nomination by party primary, a candidate may have his name placed on the ballot by submitting the requisite number of nomination papers. This alternative would appear to apply to political organizations which at the preceding State general election received less than 4 percent of the total number of votes cast for the office of Governor or U.S. Senator (§ § 652:11 and 655:40). For candidates for President and Vice President 3,000 names of legal voters are required, 1,500 from each congressional district in the State (§ 655:42). The nomination papers are to be filed with the Secretary of State no later than 5:00 p.m. on the Wednesday one week before the primary (§ 655:43).

Independent candidates have to submit nomination papers as an alternative to nomination by party primary. The nomination papers must contain 3,000 names, of which 1,500 must be from each congressional district. The nomination papers are to be filed with the Secretary of State no later than 5:00 p.m. on the Wednesday one week before the primary (§ 655:40–§ 655:43).

B. NAMES ON GENERAL ELECTION BALLOTS

The names and addresses of the presidential electors shall not be printed on the ballot, but, in lieu thereof, the names of a party's candidates for President and Vice President shall be printed under the designation "President and Vice President of the United States." (§ 656:4). In the case of the candidates for President and Vice President, one square shall be placed on the ballot opposite the designation "President and Vice President of the United States" (§ 656:8).

C. STATUTORY INSTRUCTIONS

The electors of the President and Vice President shall meet in the State House in Concord on the day fixed by law and by 12:00 o'clock at midday shall give notice to the Governor and council of the number of electors present who accept the office (§ 660:27). The electors shall give their votes for President and Vice President on said day and shall proceed according to law (§ 660:29).

NEW JERSEY
Presidential Electors: 15

A. NOMINATION

(1) *Major parties*

In presidential years the State committee of a political party shall meet at the call of its chairman, within 1 week following the closing of the party's national convention, for the purpose of nominating candidates for electors of President and Vice President. The State committee shall certify such nomination in a written or printed certificate of nomination (New Jersey Statutes Annotated, § 19:13–15).

(2) *Minor and new parties*

A political party which fails to poll at any primary election at least 10 percent of the votes cast in the State for members of the general assembly at the next preceding general election shall not be entitled to have a party column on the official ballot at the general election for which the primary election was held. In such a case the names of the candidates so nominated at the primary election shall be printed in the column designated "nomination by petition", followed by the designation of the political party of which the candidates are members (§ 19:5–1).

Nomination petitions shall be signed by qualified voters of the State, equal in number to 2 percent of the entire vote cast for members of the general assembly at the last preceding general election, except that no more than 800 signatures are required for officers to be elected by the State at large (§ 19:13–5).

Petitions nominating electors of President and Vice President may contain the names of candidates for President and Vice President for whom such electors are to vote (§ 19:13–4).

(3) *Acceptance*

A candidate nominated by petition shall sign a written acceptance thereof under oath, which shall be attached to the nomination petition (§ 19:13–8).

(4) *Oath of allegiance*

Attached to the nomination papers shall also be the oath of allegiance to the Constitutions and Governments of the United States and of the State of New Jersey (§ 19:13–8).

Nominating petitions with attachments should be filed with the Secretary of State before 4:00 p.m. of the 99th day preceding the general election. (§ 19:13–9).

B. NAMES ON GENERAL ELECTION BALLOTS

When presidential electors are to be elected, their names shall not be printed upon the ballot, either paper or voting machine, but in lieu thereof, the names of the candidates of their respective parties or political bodies for President and Vice President of the United States shall be printed together in pairs under the title "Presidential Electors for." All ballots marked for the candidates for President and Vice President of a party or political body shall be counted as votes for each candidate for presidential elector of such party or political body (§ 19:14–8.1).

C. STATUTORY INSTRUCTIONS

The electors shall convene at the Statehouse in Trenton at 3:00 p.m. on the day appointed by Congress for that purpose and proceed, after choosing their officers, to perform the duties required of them by the Constitution and laws of the United States (§ § 19:36–1, 36–3).

NEW MEXICO

Presidential Electors: 5

A. NOMINATION

(1) *Major parties*

On or before June 1 of each year in which the President and Vice President of the United States are to be elected, the Secretary of State shall send written notice to the State chairman of each qualified political party in New Mexico setting forth the method and requirements for nominating and electing presidential electors at the general election (New Mexico Statutes Annotated, § 1–15–1). Presidential electors shall not be nominated at the primary election (§ 1–15–2). Any qualified political party in New Mexico desiring to have candidates for President and Vice President on the general election ballot in a presidential election year shall, at a State party convention held in the year of the election, choose from the voters of the party the number of presidential electors required by law and no more. The presidential electors shall be nominated by the State convention according to the rules of that party on file with the Secretary of State. Upon the nomination of presidential electors, the chairman and secretary of the convention shall certify the names and addresses of the nominees not less than fifty-six days before the election to the Secretary of State (§ 1–15–3).

(2) *Minor parties and new parties*

To qualify as a political party in New Mexico, each political party through its governing body shall adopt rules and regulations providing for the organization and government of that party and shall file the rules and regulations with the Secretary of State. Such rules and regulations shall be adopted uniformly throughout the State by the county organizations of that party, where a county organization exists, and shall be filed with the county clerks. Each county political party organization may adopt such supplementary rules and regulations insofar as they do not conflict with the uniform State rules and regulations or do not abridge the lawful political rights of any person. Such supplementary rules shall be filed with the county clerk and the Secretary of State in the same manner as other rules are filed (§ 1–7–2). All political parties that appeared on the 1988 New Mexico general election ballot shall continue to be qualified political parties unless disqualified in accordance with this subsection. Beginning with the general election in 1990, a qualified political party shall cease to be qualified for the purposes of the Election Code if two successive general elections are held without at least one of the party's candidates on the ballot or if the total votes cast for the party's candidates for Governor or President of the United States, provided that the party has a candidate seeking election to either of these

offices, in a general election do not equal at least one-half of one percent of the total votes cast for the office of Governor or President of the United States, as applicable. After giving notice by registered mail to the state chairman of the party at his last known address, the secretary of state shall remove all material dealing with the political party from his file of parties qualified in New Mexico (§ 1–7–2). To requalify, the party must again comply with the provisions of the election code dealing with filing requirements for political parties (§ 1–7–2).

The Secretary of State and the county clerk shall not accept the rules and regulations of any political party for filing unless such rules and regulations provide:

(a) a method for nominating candidates for the general election;

(b) a method for calling and conducting conventions;

(c) a method for selection of delegates to conventions;

(d) a method for selection of State central committee members, a State chairman and other party officers, and all other members of governing bodies of the party;

(e) a method for filling vacancies in party offices, committees and other governing bodies;

(f) the powers and duties of party officers, committees and other governing bodies;

(g) for the structure of the State and county party organizations;

(h) that meetings to elect any party officers, including delegates, shall be held at a public place during the week specified by the State party chairman;

(i) that notice of such meetings shall be published by the officers of the county party organization in a newspaper of general circulation at least 14 days prior to the meeting and the notice shall specify the time, date and place for holding the meeting; and

(j) a method for amending the party rules and regulations (§ 1–7–3).

Each political party shall file its rules and regulations within thirty days after its organization and no later than the first Tuesday in April before any election in which it is authorized to participate (§ 1–7–4).

Upon the nomination of presidential electors, the chairman and secretary of the convention shall certify the names and addresses of the nominees not less than fifty-six days before the election to the Secretary of State. The Secretary of State shall record the nominees' names in his office as the presidential elector nominees of that party (§ 1–15–3).

(3) *Independent candidates*

Nomination as an independent candidate shall be made by filing a declaration of independent candidacy and a nominating petition signed by a number of voters equal to at least 3 percent of the total number of votes cast in the State for governor at the last preceding general election at which a governor was elected. The Secretary of State shall prescribe and furnish the form for the declaration of independent candidacy for the offices of President and Vice President (§ § 1–8–48 and 1–8–51(B)).

Persons filing declarations of independent candidacy for President shall also file the names and addresses of the required number of presidential electors who intend to vote for the independent candidate in the Electoral College (§ 1–8–49).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the presidential elector nominees chosen at a State convention shall not be placed upon the general election ballot. The Secretary of State shall certify to the various county clerks for inclusion upon the general election ballot the names of the persons nominated by each political party for the offices of President and Vice President. The names of nominees for President and Vice President for each political party shall be printed together in pairs upon the general election ballot. A vote for any such pair of nominees shall be a vote for the electors of the political party by which such nominees were named. The presidential elector nominees of the party whose nominees for President and Vice President of the United States receive the highest number of votes at the general election shall be deemed the elected presidential electors. (§ 1–15–4).

C. STATUTORY INSTRUCTIONS

Presidential electors for the State shall perform the duties of the presidential electors required by law and the Constitution of the United States.

Presidential electors of the State shall meet at 11:00 a.m. in the office of the Secretary of State on the day fixed by the laws of the United States for presidential electors to cast their ballots for President and Vice President of the United States. At such meeting the presidential electors shall organize by choosing a presiding officer and a secretary. If the full number of electors required by law are not present at such meeting for any reason, those presidential electors present shall, from a list of names nominated by the State chairman of that party, forthwith choose electors from the voters of the State party.

The presidential electors of the State shall meet at noon in the office of the Secretary of State on the day fixed by the laws of the United States for presidential electors to cast their ballots for President and Vice President and shall proceed to vote by ballot for President and Vice President of the United States and to certify the results of such election in accordance with Constitution and laws of the United States. The presidential elector chosen as secretary shall keep a journal of the proceedings and deposit the journal in the office of the Secretary of State, where it shall be kept on file. All presidential electors shall cast their ballots in the electoral college for the candidates of the political party which nominated them as presidential electors.

Any presidential elector who casts his ballot in violation of the provisions is guilty of a fourth degree felony (§ § 1–15–5 to 1–15–9).

NEW YORK

Presidential Electors: 33

A. NOMINATION

(1) *Major parties*

Nominations of candidates for the office of elector of President and Vice President of the United States, one for each congressional district and two at large, shall be made by the State committee (New York Election Law (McKinney's), § 6–102).

(2) *Minor and new parties*

A political group which at the last preceding gubernatorial election did not poll at least 50,000 votes must make its nominations as an "independent body" (§ 1–104 (3), (12)).

When an "independent body" becomes a political party by polling at least 50,000 votes for Governor, nominations shall, prior to and including the first general election thereafter, be made as provided by the rules of the party. A certificate of the nominations containing information on its candidates and the party, plus a copy of its rules, shall be signed by the presiding officer and the secretary and filed not later than seven weeks preceding the general election in the office of the State board of elections if for an office to be voted for in a district greater than one county (§ § 6–128, 6–144).

(3) *Independent candidates*

A person may become a candidate of an independent body by filing a petition in the office of the State board of elections (§ § 6–138, 6–144).

An independent nominating petition for candidates to be voted for by all the voters of the State must be signed by at least 15,000 voters, of whom at least 100 shall reside in each of one-half of the congressional districts of the State (§ 6–142).

A person designated as a candidate for nomination or for party position, or nominated for an office, otherwise than at a primary election, may, in a certificate signed and acknowledged by him, decline the designation or nomination. However, if designated or nominated for a public office other than a judicial office by a party of which he is not a duly enrolled member or if designated or nominated for a public office other than a judicial office by more than one party or independent body or by an independent body alone, the person shall, in a certificate signed and acknowledged by him, accept the designation or nomination as a candidate of each party or independent body other than that of the party of which he is an enrolled member; otherwise, the designation or nomination shall be null and void (§ 6–146).

B. NAMES ON GENERAL ELECTION BALLOTS

At the general election in November preceding the time fixed by law of the United States for the choice of President and Vice President of the United States, as many electors of President and Vice President of the United States shall be elected, as this state shall be entitled to. Each vote cast for the candidates of any party or independent body for President and Vice President of the United States and each vote cast for any write-in candidates for such offices shall be deemed to be cast for the candidates for elector of such party or independent body or the candidates for elector named in

the certificate of candidacy of such write-in candidates (§ 12–100).

In voting for presidential electors, a voter may vote a write-in ballot for any person whose name does not appear on the ballot as a nominated or designated candidate (§ 8–308). The county board of elections shall publish at least six days before an election a list containing the name and residence of every candidate for public office, except those for the office of presidential electors to be voted for within its jurisdiction. The candidates for the office of presidential electors shall only be described as a specific number of electors, nominated to support the party candidates, naming them, for the office of President and Vice President (§ 4–122(2)). The board of elections shall transmit by mail or cause to be delivered personally to the State board of elections a certified copy of the statement of the canvassing board relating to the offices of electors of President and Vice President (§ 9–214).

C. STATUTORY INSTRUCTIONS

The electors shall convene at the State capitol at noon on the first Monday after the second Wednesday in December next following their election. They shall organize and then name in separate ballots the persons voted for as President and Vice President and then make and sign six certificates listing separately the votes for President and Vice President (§ § 12–104, 12–106).

NORTH CAROLINA

Presidential Electors: 14

A. NOMINATION

(1) *Major parties*

On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be held in all of the election precincts of the State for the election of electors of President and Vice President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in G.S. 163–96 unless otherwise provided by the plan of organization of the political party; provided, that in the case of a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163–122, that candidate shall nominate presidential electors. One presidential elector shall be nominated from each congressional district and two from the State at large (General Statutes of North Carolina, § 163–1(c)).

(2) *Minor and new parties*

A minor party, or one which had failed to poll for its candidate for Governor or for presidential electors at least 2 percent of the entire vote cast for such officers at the last preceding general election, would have to reorganize in the same manner as is required to create a new party (§ 163–96).

Any group may form a new party by filing a petition setting forth its intention to organize a new statewide party with the State Board of Elections on or before noon on June 1 preceding the general election, signed by registered and qualified voters equal in number to 2 percent of the total number of voters who voted in the most recent general election for Governor including at least 200 voters from each of four congressional districts (§ 163–96). Nominees of this group for State, congressional and national offices only for the first general election after its organization must be furnished to the Board by July 1 prior to the general election. Such nominations shall be made at a nominating convention (§ 163–98). Presidential electors are not to be nominated by primary election but are to be nominated by a State convention unless otherwise provided by the plan of organization of the political party (§ 163–1(c)).

(3) *Independent candidates*

Any qualified voter who seeks to have his name printed on the general election ballot as an unaffiliated candidate shall: If the office is a statewide office, file written petitions with the State Board of Elections supporting his candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12 noon on the last Friday in June preceding the general election and must be signed by qualified voters of the State equal in number to 2 percent of the voters who voted in the most recent general election for Governor. Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained. The chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county and shall attach to the petition his signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in his county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it to him for checking. Verification by the chairman of the county board of elections shall be completed within 2 weeks from the date such petitions are presented (§ 163–122).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for electors of President and Vice President of any political party shall not be placed on the ballot but shall be filed with the Secretary of State. The names of the candidates for President and Vice President are placed on the ballot. A vote for such candidates, however, shall be counted as a vote for the electors of the party by which such candidates were named (§ 163–209).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the capitol in Raleigh at noon on the first Monday after the second Wednesday in December next after their election and give their votes on behalf of the State for President and Vice President (§ 163–210).

On or before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States either three duplicate original certificates, or one original and two copies, under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. At the same time he shall deliver to the electors six duplicate-originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second alternates nominated under G.S. 163–1(c) shall fill the first two vacancies. If they are absent, or there are more than two vacancies, those present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice President of the United States (§ 163–210).

Any presidential elector having previously signified his consent to serve as such, who fails to attend and vote for the candidate of the political party which nominated such elector for President and Vice President of the United States at the time and place indicated above (except in case of sickness or other unavoidable accident) shall forfeit and pay to the State $500, to be recovered by the Attorney General in the Superior Court of Wake County. In addition to such forfeiture, refusal or failure to vote for the candidates of the political party which nominated such elector shall constitute a resignation from the office of elector, his vote shall not be recorded, and the remaining electors shall forthwith fill such vacancy as hereinbefore provided (§ 163–212).

NORTH DAKOTA

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

State party conventions are to nominate the legal number of candidates for their parties for the offices of presidential electors (North Dakota Century Code, § 16.1–03–14). The names of the candidates nominated for presidential electors shall be certified by the chairman and secretary of the convention to the Secretary of State to be placed upon the general election ballot (*ibid.*).

All nominations made by a convention are to be certified. And the certificate is to be delivered by the secretary or the president of the convention by registered or certified mail or in person to the Secretary of State (§ 16.1–13–17).

(2) *Minor and new parties*

Any party that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidate for President and whose candidates for presidential electors received at least five percent of the total vote cast for presidential electors within the state at that election must be provided with a separate column on primary election ballots (§ 16.1–13–30).

Any other political organization is entitled to endorse candidates or have candidates petition to be included on the primary ballot in a consolidated column, if a petition signed by at least 7,000 qualified electors is filed with the Secretary of State before 4 p.m. of the 60th day before a primary election. Candidates of that party are entitled to the same rights and privileges as those of other parties (§ 16.1–13–30).

(3) *Independent candidates*

In order to have his name appear in the "independent nominations" column on the general election ballot, the candidate must file a certificate of nomination by petition with the Secretary of State. The certificate of nomination for an office to be filled by qualified electors of the entire State must contain 1,000 signatures (§ 16.1–12–02). The certificate of nomination for presidential electors may contain the names of more than one nominee (§ 16.1–12–03). The certificate of nomination is to be filed with the Secretary of State by 4 p.m. on the sixtieth day before the general election (§ 16.1–12–04).

B. NAMES ON GENERAL ELECTION BALLOTS

In presidential election years the ballot provided for in section 16.1–06–05 shall include the designation of the office of President and Vice President as the first listing of the continuous listing of the designation of each office to be voted for. The names of presidential electors, presented in one certificate of nomination, shall be arranged in a group enclosed in brackets under the designation of the office of President and Vice President. To the right and opposite the center of each group of electors' names must be printed in bold type the surname of the presidential candidate represented and in line with such surname shall be placed a single oval. A mark within such oval shall be designated as a vote for all the electors. The appropriate party designation must appear, in smaller type, under the surname of the presidential candidate represented (§ 16.1–06–07.1).

C. STATUTORY INSTRUCTIONS

The electors shall meet at one o'clock p.m. in the office of the Governor in the State Capitol on the first Monday after the second Wednesday in December next following their election for the purpose of casting their ballots. The Secretary of State shall notify the electors of said meeting. They must fill any vacancy in the office of elector by ballot by a plurality of votes (§ § 16.1–14–04, 16.1–14–05).

OHIO

Presidential Electors: 21

A. NOMINATION

(1) *Major parties and minor parties*

Candidates for presidential elector are nominated by State conventions at a time and place determined by the State committees of the respective political parties (Ohio Revised Code, title 35, § 3513.11).

Names of a party's candidates for presidential electors shall be certified by the chairman and secretary of the convention to the Secretary of State within 5 days after the holding of the convention.

A political party is defined as any group of voters which, at the last preceding regular State election, polled for its candidate for Governor in the State or nominees for presidential electors at least 5 percent of the entire vote cast for such office or which filed with the Secretary of State, subsequent to any election in which it received less than 5 percent of such vote, a petition signed by qualified electors equal in number to at least 1 percent of the total vote for Governor or nominees for presidential electors at the last preceding election, declaring their intention of organizing a political party, the name of which shall be stated in the declaration, and of participating in the next succeeding primary election, held in even-numbered years, that occurs more than one hundred twenty days after the date of filing. No such group of electors shall assume a name or designation which is similar, in the opinion of the Secretary of State, to that of an existing political party as to confuse or mislead the voters at an election. If any political party fails to cast 5 percent of the total vote cast at an election for the office of Governor or President it shall cease to be a political party (§ 3517.01). When a petition is filed with the Secretary of State, the new party comes into legal existence on the date of filing. New parties are entitled to hold a primary election, held in even-numbered years that would occur more than 120 days after the date of the filing of the petition (§ 3517.012).

(2) *Independent candidates*

Independent candidates for President and Vice President are to file a joint candidates' statement and one nominating petition for the two of them.

The nominating petition of independent candidates for the offices of President and Vice President of the United States shall be signed by at least 5,000 qualified electors, provided that no petition shall be accepted for filing if it purports to contain more than 15,000 signatures, and must be accompanied by a slate of presidential electors (§ 3513.257). The nominating petition and the joint candidates' statement must be filed with the Secretary of State no later than 4 p.m. of the seventy-fifth day before the day of the general election (*id.*).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for electors of President and Vice President shall not be placed on the ballot. In place of their names there shall be printed on the ballot the names of the candidates for President and Vice President, respectively. A vote for any of such candidates shall be a vote for the electors whose names have been certified to the Secretary of

State and who are members of the same political party (§ 3505.10).

C. STATUTORY INSTRUCTIONS
The electors shall meet at the State capitol, organize, and discharge all the duties enjoined upon electors by the Constitution and laws of the United States (§ 3505.39).
A presidential elector elected at a general election shall, when discharging the duties enjoined upon him by the Constitution or laws of the United States, cast his electoral vote for the nominees for President and Vice President of the political party which certified him to the Secretary of State as a presidential elector pursuant to law (§ 3505.40).

OKLAHOMA
Presidential Electors: 8

A. NOMINATION
(1) *Major parties*
The nominees for presidential elector "of any recognized political party shall be selected at a statewide convention of said party in a manner to be determined by said party" and must be certified by the party's chairman to the Secretary of the State election board no fewer than 90 days nor more than 180 days prior to the election (Oklahoma Statutes Annotated, title 26, § 10–101).
A "recognized political party" is defined to include those parties with candidates on the 1974 general election ballot, and "those parties which shall be formed according to law" (26 §§ 1–107, 1–108).
A party ceases to be a "recognized party" when its nominee for Governor or nominees for electors for President and Vice President fail to receive at least 10 percent of the vote cast for said offices (26, § 1–109).
(2) *Minor and new parties ("not recognized" political parties)*
The names of a slate of candidates for the office of presidential elector pledged to the nominee of a political party not recognized under the laws of the State of Oklahoma for President of the United States shall be printed on the ballot only by observing the following procedure:
1. No later than July 15 of a presidental election year, petitions signed by a number of registered voters supporting the candidacy of said nominee for President of the United States equal to at least 3 percent of the total votes cast in the last General Election for President shall be filed with the Secretary of the State Election Board. Notice of intention to circulate petitions shall be filed with the Secretary of the State Election Board before such petitions may be circulated. The form of said petitions shall be prescribed by the Secretary. Each page of said petitions must contain the names of registered voters from a single county.
2. Within 30 days after receipt of said petitions, the State Election Board shall determine the sufficiency of said petitions.
3. If the petitions are found to be sufficient, the nominee for President of the United States shall, no later than September 1, certify to the Secretary of the State Election Board

the names of the nominees for presidential elector pledged to him and the name of his vice presidential running mate. Each candidate for presidential elector so nominated shall subscribe to an oath stating that, if elected, he will cast his ballot for the candidate who nominated him and for said candidate's vice presidential running mate. Said oath shall be filed with the Secretary of the State Election Board no later than September 15 (26, § 10–101.2).

(3) *Independent candidates*

Slates of uncommitted electors and electors pledged to independent candidates can qualify for a position on the ballot by filing a petition with the Secretary of the State Election Board by July 15. These petitions must be signed by a number of registered voters equal to 3 percent of the vote cast in the last presidential election. If the State Election Board determines that the petitions are sufficient, the candidate must certify the names of his running mate and the electors pledged to his candidacy (26, §§ 10–101, 10–101.1).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the electors are bracketed adjacent to the names of the candidates for President and Vice President to whom they are pledged (26, § 10–105).

C. STATUTORY INSTRUCTIONS

Electors committed to a candidate or the candidate of a party must take an oath to cast their ballots for the candidates on whose slate they run (26, § 10–102). Violation of the oath is a misdemeanor punishable by a fine of not more than one thousand dollars (26, § 10–109). Electors are to meet at 10:00 a.m. of the day appointed by Congress in the office of the Governor to perform such duties as required by law, including filling any vacancy in the office of electors (26, §§ 10–107, 10–108).

OREGON

Presidential Electors: 7

A. NOMINATION

(1) *Major parties*

An affiliation of electors becomes a major political party when its candidates for presidential elector polled at the last general presidential election at least 15% of the total votes cast for presidential elector, or its candidates for any state office to be voted upon in the state at large for which nominations by political parties are permitted by law polled at the last general election at which such a candidate was listed on the ballot at least 15% of the total votes cast for that office (§ 248.006(1)). Each major political party shall select [manner not specified] a number of candidates for elector of President and Vice President equal to the total number of Senators and Representatives to which this State is entitled in Congress (§ 248.355). The party shall certify the names of the candidates for elector to the Secretary of State at least 70 days prior to the presidential election (§ 248.355).

(2) *Minor and new parties*

An affiliation of electors becomes a minor political party in the state, a county or other electoral district, qualified to make nominations for public office in that electoral district and in any other electoral district wholly contained within the electoral district, when either of the following event occurs:
(1) When the affiliation of electors has filed with the Secretary of State a petition with the signatures of a least a number of electors equal to one and one-half percent of the total votes cast in the electoral district for all candidates for Governor at the most recent election at which a candidate for Governor was elected to a full term. The petition also shall state the intention to form a new political party and give the designation of it. The filed petition shall contain only original signatures. The petition shall be filed not later than two years following the date the prospective petition is filed. Each signature sheet shall be verified on its face by the signed statement of the circulator that the individuals signed the sheet in the presence of the circulator and that the circulator believes each individual is an elector registered in the electoral district. The Secretary of State shall verify whether the petition contains the required number of signatures of electors. The petition shall not be accepted for filing if it contains less than 100 percent of the required number of signatures. The Secretary of State by rule shall designate a statistical sampling technique to verify whether a petition contains the required number of signatures of electors. A petition shall not be rejected for the reason that it contains less than the required number of signatures unless two separate sampling processes both establish that the petition lacks the required number of signatures. The second sampling must contain a larger number of signatures than the first sampling. The Secretary of State may employ professional assistance to determine the sampling technique. The statistical sampling technique may be the same as that adopted under ORS 250.105. Before circulating the petition, the chief sponsor of the petition shall file with the Secretary of State a signed copy of the prospective petition. The chief sponsor shall include with the prospective petition a statement declaring whether one or more persons will be paid money or other valuable consideration for obtaining signatures of electors on the petition. After the prospective petition is filed, the chief sponsor shall notify the filing officer not later than the 10th day after the chief sponsor first has knowledge or should have had knowledge that:
(a) Any person is being paid for obtaining signatures, when the statement included with the prospective petition declared that no such person would be paid.
(b) No person is being paid for obtaining signatures, when the statement included with the prospective petition declared that one or more such persons would be paid.
(2) When the affiliation of electors has polled for any one of its candidates for any public office in the electoral district at least one percent of the total vote cast in the electoral district for candidates for:

(A) Presidential elector at the last general election at which candidates for President and Vice President of the United States were listed on the ballot; or

(B) Any single state office to be voted upon in the state at large for which nominations by political parties are permitted by law at the most recent election at which a candidate for the office was elected to a full term (§ 248.008).

Such parties may nominate candidates for presidential electors by filing a certificate of nomination with the Secretary of State signed by the presiding officer and secretary of a nominating convention of the party containing the names, addresses, and offices for which nominated, the name of the party, and in the case of presidential electors the names of the candidates they represent may be added (§ 249.720). Certificates should be filed no later than 70 days prior to the election (§ 249.722).

(3) *Independent candidates*

Independent candidates may be nominated by an assembly of electors or by petition. An assembly of electors is an organized body of not less than 1,000 electors of the State for a statewide nomination (§ 249.735(1)). Notice must be given at least 10 days prior to the assembly in three newspapers of general circulation and must include the names of at least 25 electors. Signatures must be certified by the appropriate county clerks (§ 249.735(2)–(6)). A certificate of nomination must be filed with the Secretary of State no later than the 70th day prior to the general election (§ 249.722). A copy of the minutes, certified by the secretary of the assembly, and the certificate of the county clerk shall be filed with the filing officer with the certificate of nomination (§ 249.735(6)).

A certificate of nomination by petition must be in essentially the same form and accompanied by a petition signed by a number of electors in the electoral district equal to not less than 1% of the total votes cast in the electoral district for which the nomination is intended to be made, for all candidates for presidential electors at the last general election (§ 249.740). Certificates of nomination by assembly or petition must be filed not later than the 70th day prior to the election (§ 249.722).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for President and Vice President of the United States are printed in groups together, under their political party designations. Each vote for candidates for President and Vice President shall be counted as one vote for the group of presidential electors supporting the candidates for President and Vice President designated by the voter as his choice (§ 254.135).

C. STATUTORY INSTRUCTIONS

Each elector shall at the time of his or her selection sign a pledge that, if elected, he will vote in the Electoral College for the candidates of his or her party for President and Vice President (§ 248.355). Such pledges are to be filed with the Secretary of State at least 70 days before the presidential election (*ibid.*).

The duties of electors as defined by statute are:

The electors of President and Vice President shall convene at the State capitol on the Monday after the second Wednesday in December following their election. If there is any vacancy in the office of an elector caused by death, refusal to act, neglect to attend or otherwise, the electors present immediately shall fill it by plurality of voice votes. When all the electors have appeared or the vacancies have been filled, the electors shall perform the duties required of them by the Constitution and laws of the United States (§ 248.370).

PENNSYLVANIA

Presidential Electors: 23

A. NOMINATION

(1) *Major parties*

The nominee of each political party for the office of President shall within 30 days after his nomination by the national convention, nominate as many persons to be the candidates of his party for the office of presidential elector as the State is entitled to. Names of such persons shall be certified immediately by the nominee to the Secretary of the Commonwealth. If the candidate for the office of President fails to so nominate, then the party's nominee for Vice President shall make the nominations (Pennsylvania Statutes Annotated, title 25, § 2878).

(2) *Minor party or new party or independent candidate*

Any party or political body, one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate, is hereby declared to be a political party within the State, and shall nominate all its candidates as party rules provide (§ 2831).

All nomination papers circulated and filed by minor political parties shall specify—(1) the name or appellation of the minor political party which the candidates nominated thereby represent and, in the case of electors for President and Vice President of the United States, the names of the candidates for President and Vice President of such minor political party; (2) the name of each candidate nominated therein, his profession, business or occupation, if any, and his place of residence with street and number, if any; and (3) the office for which such candidate is nominated. No words shall be used in any nomination paper to designate the name or appellation of the minor political party represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any minor political party which has already filed nomination papers for the same office (§ 2872.2).

Candidates of political bodies which do not qualify as political parties should file nomination papers with the Secretary of the Commonwealth (§ § 2911(a), 2913(a)). More than one candidate may be nominated by one nomination paper. Signatures are required of electors equal in number to 2 percent of the largest entire vote cast for any elected candidate in

the State in the last preceding general election (§ 2911(b), 2911(c)). A filing fee of $200 shall be paid to the Secretary of the Commonwealth (§ 2873).

All nomination papers shall specify—(a) The name or appellation of the political body which the candidates nominated thereby represent, expressed in not more than three words, and in the case of electors for President and Vice President of the United States, the names of the candidates for President and Vice President of such political body; (b) the name of each candidate nominated therein, his profession, business or occupation, if any; and his place of residence with street and number, if any; (c) the office for which such candidate is nominated; and (d) the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur (§ 2912).

All nomination papers are to be filed with the Secretary of the Commonwealth (§ 2913).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of electors shall not be printed on the ballot, but in lieu thereof, the names of candidates of their respective parties for President and Vice President (§ 2963(c)). Write-ins for electors are permitted (§ 2963(a)). Votes are counted for electors either as a group or as individuals and certificates of election are issued by the Secretary of the Commonwealth (§ 3166).

C. STATUTORY INSTRUCTIONS

The electors shall assemble at the seat of government of the Commonwealth at noon on the day which is or may be directed by the Congress of the United States and perform the duties enjoined upon them by the Constitution and laws of the United States (§ 3192). Vacancies are filled by voice vote of those electors present (§ 3193).

RHODE ISLAND

Presidential Electors: 4

A. NOMINATION

(1) *Major parties*

Electors are nominated at a State convention of delegates representing a political party (General Laws of Rhode Island, § 17–12–13).

There shall be held not later than October 14 of every even year a State convention for each political party. The nominees of a party for Senator and for Representatives in Congress, for the five general offices, and for membership in the general assembly shall be delegates to the State convention of said party. In presidential election years, such conventions shall select the party nominees for presidential electors and their names shall be placed on the ballot labels for the forthcoming election. Such State convention shall also be for the purpose of adopting a platform for its party and for the transaction of such other business as may properly come before said convention (§ 17–12–13).

(2) *Minor and new parties*

Candidates of minor parties shall be nominated by the same procedure as for independent candidates.

(3) *Independent candidates*

The nomination papers of an independent candidate or a minor party candidate for presidential elector shall be signed by 1,000 voters and filed with the Secretary of State by 4 p.m. on the 60th day before the primary election (§ 17–14–11).

B. NAMES ON GENERAL ELECTION BALLOTS

The voter shall be allowed to vote for all of the presidential electors of a party; provided however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, in part for those of one or more other parties, or in part or in whole for persons not nominated by any party (§ 17–19–3(a)(3)).

Absentee ballots that are required by the provisions of law to contain the names of the electors for President and Vice-President shall contain the names of all candidates for President and Vice-President preceded by the words "Electors for" in lieu of names of the electors for the officers (§ 17–20–17).

C. STATUTORY INSTRUCTIONS

The electors shall meet in the statehouse in Providence on the first Monday after the second Wednesday in December and proceed to perform the duties required of such electors by the Constitution and the laws of the United States. Vacancies are filled by plurality vote of those present (§ 17–4–11).

SOUTH CAROLINA

Presidential Electors: 8

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated by the respective party State committees, composed of one member from each county, elected by the party county conventions, plus the State chairman and State vice chairman who are elected by a party's State convention (Code of Laws of South Carolina, § 7–9–90).

(2) *Minor or new parties*

Political parties desiring to nominate candidates for offices to be voted on in a general or special election shall, before doing so, have applied to the State Election Commission (Commission) for certification as such. Parties shall nominate candidates of that party on a regular basis, as provided in this title, in order to remain certified. Any certified political party that fails to organize on the precinct level as provided by § 7–9–50, hold county conventions as provided by §§ 7–9–70 and 7–9–80, and hold a State convention as provided by § 7–9–100; that fails to nominate candidates for national, State, multicounty district, countywide, or less than countywide office by convention or party primary as provided by §§ 7–11–20, 7–11–30, and 7–13–40; and that fails to certify the candidates as provided by § 7–13–350 in at least one of two consecutive general elections held on the first Tuesday

following the first Monday in November of an even-numbered year, or that fails to nominate and certify candidates in any other election which might be held within the period of time intervening between the two general elections, must be decertified by the State Election Commission. The party must be notified in writing of its decertification at the last address of record. If the notification of decertification is returned as undeliverable, it must be placed on file in the office of the State Election Commission and with the Secretary of State.

Any decertified party or any noncertified party, organization, or association may obtain certification as a political party at any time by filing with the Commission a petition for the certification signed by 10,000 or more registered electors residing in this State, giving the name of the party, which must be substantially different from the name of any other party previously certified (§ 7–9–10).

Nomination of candidates for the offices of presidential electors are to be made by the party State committees (§ 7–9–90).

(3) *Independent candidates*

A candidate's nominating petition for any office in this State shall contain the signatures of at least 5 percent of the qualified registered electors of the geographical area of the office for which he offers as a candidate; provided, that no petition candidate is required to furnish the signatures of more than ten thousand qualified registered electors for any office. The official number of qualified registered electors of the geographical area of any office must be the number of registered electors of such area registered 120days prior to the date of the election for which the nomination petition is being submitted. The petition must be certified to the State Election Commission in the case of national, State, circuit, and multicounty district offices (§ 7–11–70).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President are printed on the ballot. A vote for the names of a political party's candidates for President and Vice President is a vote for the electors of that party, the names of whom are on file with the Secretary of State (§ § 7–13–320(C), 7–19–70).

C. STATUTORY INSTRUCTIONS

Those persons, to the number required to be chosen, having the highest number of votes shall be declared and deemed duly appointed electors (§ 7–19–70). The presidential electors shall meet at 11 a.m. on the first Monday after the second Wednesday in December in the office of the Secretary of State, effect a permanent organization, fill any vacancies by a plurality, cast their ballots for President and Vice President, and make distinct lists for all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes received for each (§ 7–19–90). Each candidate for elector shall declare which candidate for President and Vice President he intends to vote for if elected. Any registered elector has the right to institute an action to en-

force the requirement of the statute that the elector shall vote as declared and there are criminal sanctions. A State party executive committee may release electors pledged to support the candidate of their party when, in the judgment of the committee, it would not be in the best interest of the State for the elector to cast his ballot for such a candidate (§ 7–19–80).

SOUTH DAKOTA

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

Presidential electors are nominated at State conventions of the respective parties (South Dakota Compiled Laws, § 12–5–21). The time for holding such conventions shall be determined by the State central committee of each party (§ 12–5–17). Nominations shall be certified to the Secretary of State by officers of the convention, immediately at the close of the convention (§ 12–5–22). Certificates must be filed or mailed by registered mail by the second Tuesday in August at 5:00 p.m. (§ 12–8–6).

(2) *Minor and new parties*

A new political party may be organized and participate in the primary election by filing with the Secretary of State not later than the first Tuesday of April at 5 p.m. prior to the date of the primary election, a written declaration signed by at least 2½ percent of the voters of the state as shown by the total vote cast for Governor at the last preceding gubernatorial election, which declaration shall contain:

(1) The name of the proposed party; and

(2) A brief statement of the principles thereof;

whereupon the party shall, under the party name chosen, have all the rights of a political party whose ticket was on the ballot at the preceding general election (§ 12–5–1).

All political parties organized to participate in primary elections under 12–5–1 shall nominate candidates for presidential elector at their State convention (§ § 12–5–2; 12–5–21). Candidates affiliated with a party that does not participate in the primary may qualify for the ballot in the same manner as an independent candidate (§ 12–7–1).

(3) *Independent candidates*

A person may become an independent candidate by filing a certificate of nomination with the Secretary of State or county auditor signed by at least 1% of the total combined vote cast for Governor at the last gubernatorial election within the district or political subdivision. The certificate must be filed not prior to January 1 at 8 a.m. and not later than the first Tuesday after the first Monday in June at 5 p.m. prior to the election. (§ 12–7–1).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the electors are listed below the surnames of the candidates for President and Vice President for whom they are pledged. A box precedes the names of the presidential and vice presidential candidates (§ 12–16–6).

C. STATUTORY INSTRUCTIONS

Electors shall meet at the seat of government on the day preceding the day fixed by Congress to elect a President and Vice President, and then and there discharge the duties enjoined upon them as such by the Constitution and laws of the United States and this State (§ § 12–24–1, 12–24–3).

TENNESSEE

Presidential Electors: 11

A. NOMINATION

(1) *Major parties*

For each congressional district there shall be elected one elector who is a resident of the district and two electors are elected at large (Tennessee Code Annotated, § 2–15–102). Electors are chosen according to the rules of the political parties. Only statewide political parties appear on the ballot in elections for an office to be voted on by voters of more than one county (§ 2–13–101). A "statewide political party" is defined as a party at least one of whose candidates for an office to be elected by the voters of the entire State in the past 4 calendar years received a number of votes equal to 5 percent of the vote cast in the last gubernatorial election (§ 2–1–104(29)(A)). New political parties formed by petition in the manner described below qualify as "statewide political parties" for 1 year (§ 2–1–104(29)(B)).

(2) *New parties*

New parties may qualify by filing a petition signed by registered voters, acknowledging membership, in numbers equal to 2½ percent of the vote cast in the last gubernatorial election. The petition is to be filed with the State coordinator of elections, and the signatures must be certified by the county election commissions (§ 2–1–104(29)(B)).

The first State executive committee of a new political party shall be elected at a State convention after it becomes a "statewide political party." Their names must be certified to the coordinator of elections at least 90 days prior to the August election (§ 2–13–107).

(3) *Independent candidates*

Independent candidates qualifying for an August primary election shall qualify by filing all nominating petitions no later than 12 p.m. on the first Thursday in the fourth calendar month before the August election. Independent candidates for all other elections shall qualify by filing all nominating petitions no later than 12 p.m. on the third Thursday in the third calendar month before an election. Such petition must be signed by the candidate and 25 electors qualified to vote for the office (§ 2–5–101).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of presidential candidates shall be arranged according to political parties, and followed by the words, (giving the name) for President and (giving the name) for Vice President. Names of electors need not appear on the ballot (§ 2–5–208(h)).

C. STATUTORY INSTRUCTIONS

The electors are to meet at the seat of government of the State at the time prescribed by the laws of the United States. If any elector fails to appear before 9 a.m. on the appointed day, those electors present fill the vacancy. If the candidates of the party which nominated the electors are alive, they shall cast their ballots for them. If either the presidential candidate or both the presidential and vice presidential candidates are dead, they may vote as they see fit. If the presidential candidate is alive and the vice presidential candidate is dead, the electors shall vote for the presidential candidate of their party but may cast their ballot for Vice President as they see fit (§ § 2–15–101 to 2–15–105).

TEXAS

Presidential Electors: 32

A. NOMINATION

(1) *Major parties*

To become a presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for President (Vernon's Texas Codes Annotated (Election Code) § 192.003).

A political party is entitled to have the names of its nominees for President and Vice President of the United States placed on the ballot in a presidential general election if:

(1) the nominees possess the qualifications for those offices prescribed by Federal law;

(2) before 5 p.m. of the 60th day before presidential election day, the party's State chairman signs and delivers to the Secretary of State a written certification of:

(A) the names of the party's nominee for President and Vice President; and

(B) the names and residence addresses of presidential elector candidate nominated by the party, in a number equal to the number of presidential electors that Federal law allocates to this State; and

(3) the party is:

(A) required or authorized by Subchapter A of Chapter 172 to make its nominations by primary election; or

(B) entitled to have the names of its nominees placed on the general election ballot under Chapter 181 (parties nominating by convention) (§ 192.031).

(2) *Independent candidates*

To be entitled to a place on the general election ballot, an independent candidate for President of the United States must make an application for a place on the ballot. An application must:

(1) comply with Section 141.031, except that: (A) the application is not required to include a candidate's occupation or length of residence; and (B) the application must contain the applicable information required by Section 141.031(4) with respect to both the presidential candidate and the running mate;

(2) state the names and residence addresses of presidential elector candidate in a number equal to the number of presidential electors that Federal law allocates to the State; and
(3) be accompanied by:
(A) a petition that satisfies the requirements prescribed by Section 141.062; and
(B) written statements signed by the vice presidential candidate and each of the presidential elector candidates indicating that each of them consents to be a candidate. The application must be filed with the Secretary of State not later than the second Monday in May of the presidential election year (§ 192.032, Supp.).

B. NAMES ON GENERAL ELECTION BALLOTS
The Secretary of State shall certify in writing for placement on the general election ballot the names of the candidates for President and Vice President who are entitled to have their names placed on the ballot. Not later than the 55th day before presidential election day, the Secretary of State shall deliver the certification to the authority responsible for having the official ballot prepared in each county (§ 192.033).
The names of a presidential candidate and the candidate's running mate shall be placed on the ballot as one race. The names of presidential elector candidates may not be placed on the ballot § 192.034). A vote for a presidential candidate and the candidate's running mate shall be counted as a vote for the corresponding presidential elector candidates (§ 192.035).

C. STATUTORY INSTRUCTIONS
The electors shall convene at the State Capitol at 2 p.m. on the first Monday after the second Wednesday in December following their election and shall perform their duties as prescribed by Federal law. The Secretary of State shall arrange for the meeting place, notify the electors, and call the meeting to order. The Secretary shall act as temporary chairman of the meeting until the electors elect a chairman from among themselves. If an elector is absent at the time for convening the meeting, the electors may declare the elector position vacant by a majority vote of those present at the meeting (§ 192.006).

UTAH
Presidential Electors: 5

A. NOMINATION
(1) *Registered political parties*
Each registered political party shall choose persons to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for President and Vice President according to the procedures established in their bylaws. The person designated as liaison with the lieutenant governor's office shall transmit to the lieutenant governor the names and addresses of the persons selected by the political party as the party's presidential electors (§ 20A–13–301).
(2) *New political parties*

Any organization of voters whose organization did not participate in the last regular general election, or whose organization polled a total vote equivalent to less than 2% of the total vote cast for all representatives in Congress for any of its candidates in the last regular general election may become a registered political party (§ 20A–8–102). To become a registered party, the voters must circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending no later than the February 15 of the year in which the next regular general election will be held; and file the petition with the lieutenant governor that is signed by at least 2,000 registered voters on or before February 15 of the year in which a regular general election will be held (§ 20A–8–103). Unless an organization of registered voters is a registered political party, it may not place the names of candidates representing that organization upon the primary and regular general election ballots under the common organization name. Nothing prohibits an organization of voters from qualifying candidates as independent candidates or as write-in candidates (§ 20A–8–102). If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the names of the party's presidential electors to the lieutenant governor by August 15 (§ 20A–8–106).

(3) *Independent candidates*

A candidate who is not affiliated with a party may circulate a nomination petition, collect the signatures of at least 1,000 registered voters, and submit the petition for certification by the country clerk (§ 20A–9–502). The candidate must then file the petition with the Lieutenant Governor between March 7 and March 17 of the election year and pay a $500 filing fee (§ 20A–9–503).

B. NAMES ON GENERAL ELECTION BALLOTS

Candidates' names are listed by party and in alphabetical order by surname (§ 20A–6–302). The highest number of votes cast for a political party's president and vice president candidates elects the presidential electors selected by that political party (§ 20A–13–301).

C. STATUTORY INSTRUCTIONS

The lieutenant governor shall transmit certificates of election to each of the electors selected by the political party whose candidates for president and vice president received the highest number of votes in Utah (§ 20A–13–302).

The electors shall meet at the office of the lieutenant governor at the state capitol at noon of the first Wednesday of the January after their election, or at noon of any other day designated by the Congress of the United States of America. After convening, the electors shall perform their duties in conformity with the United States Constitution and laws. Any elector who casts an electoral ballot for a person not nominated by the party of which he is an elector, except in the cases of death or felony conviction of a candidate, is con-

sidered to have resigned from the office of elector, his vote may not be recorded, and the remaining electors shall appoint another person to fill the vacancy (§ 20A–13–304).

VERMONT

Presidential Electors: 3

A. NOMINATION

(1) *Major parties*

In presidential election years, presidential electors for major political parties shall be nominated at the party platform convention (Vermont Statutes Annotated, title 17, § 2721). Electors for all other presidential candidates shall be nominated in the manner independent candidates are nominated (*ibid.*).

After adjournment of the platform convention of a major political party, the chairman and secretary of the convention shall promptly execute a sworn statement certifying the names, towns of residence, and correct mailing addresses of the persons nominated by the convention to serve as electors, and shall promptly file the statement of nomination with the Secretary of State, along with the written consent of each person to be a nominee for elector (title 17, § 2722).

(2) *Minor parties and new parties*

Presidential electors for candidates of minor parties and new political parties shall be nominated in the manner independent candidates are nominated (title 17, § 2721).

(3) *Independent candidates*

Candidates for presidential electors may be nominated by filing a consent form and a statement of nomination with the Secretary of State not later than 5 p.m. on the forty-seventh day before the day of the general election (title 17, §§ 2386, 2401). The statement of nomination shall contain: (1) name, (2) residence, and (3) address of each nominee for the office of elector (title 17, § 2402(a)(4)). The statement of nomination shall contain 1,000 signatures of qualified voters (title 17, § 2402(b)(1)). For presidential and vice presidential candidates, the statement of nomination shall contain the names of more than one candidate who may be nominated by means of the same certificate of nominations (title 17, § 2403).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of the candidates for President and Vice President appear on the ballot. The names of the electors do not. A vote for the candidates for President and Vice President are votes for the electors. Should a write-in candidate for President receive the greatest number of votes, that candidate may name the electors after being notified by the Secretary of State. Candidates are arranged on the ballot alphabetically according to the surnames of the presidential candidate (title 17, § 2473).

C. STATUTORY INSTRUCTIONS

The electors shall meet at the state house on the first Monday after the second Wednesday in December next following their election, to vote for President and Vice President of the

United States, agreeably to the laws of the United States. If there is a vacancy in the Electoral College on that day, occasioned by death, refusal to act, neglect to attend, failure of a person elected to qualify, or for other cause, the other electors present shall at once fill such vacancy viva voce and by a plurality of votes. When all the electors appear or a vacancy therein is filled, the electors shall perform the duties required of them by the Constitution and laws of the United States. If a vacancy occurs and is filled as aforesaid, the electors shall attach to the certificate of their votes a statement showing how such a vacancy occured and their action thereon. The electors must vote for the candidates for President and Vice President who received the greatest number of votes at the general election (title 17, § 2732).

VIRGINIA

Presidential Electors: 13
No provisions.

A. NOMINATION

1. *Political parties*

In elections for President and Vice President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee (Virginia Code Annotated, § 24.2–542).

2. *Independent candidates*

A group of qualified voters not constituting a political party may select electors for President and Vice President by filing a petition with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed by a person who is a qualified voter, or qualified to register to vote, and whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the electors are required to vote in the Electoral College. The persons filing the petition shall file with it a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for

President and Vice President named in the petition, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee. In order to utilize a selected party name on the ballot, the petitioners shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party then in existence (§ 24.2–543).

B. NAMES ON GENERAL ELECTION BALLOTS

The qualified voters of the Commonwealth shall choose the Commonwealth electors for President and Vice President at the general election in November 1996, and every fourth year thereafter. (Code of Virginia Annotated, § 24.2–202).

C. STATUTORY INSTRUCTIONS

The electors selected by the state conventions by any political party shall be expected to vote in the Electoral College for the nominees of any national convention to which the said convention elects delegates.

The electors named in any petition of qualified voters shall be expected to vote in the electoral college for President and for Vice President for such reasons as may be named in the said petition (§ 24.2–203).

WASHINGTON

Presidential Electors: 11

A. NOMINATION

(1) *Major parties*

Such candidates are nominated at the state conventions of the respective parties. In the year in which a presidential election is held, each major political party and each minor political party or independent candidate convention held under chapter 29A.20, Revised Code of Washington, that nominates candidates for President and Vice President of the United States shall nominate presidential electors for this state. Each presidential elector shall file with the secretary of state a certificate signed by the presiding officer of the convention at which the presidential electors were chosen, listing the names and addresses of the presidential electors (29A.56.320).

(2) *Minor party, new party, and independent candidates*

A minor political party is defined as a political organization, not one of whose candidates for statewide office received at least 5 percent of the total vote cast in the last statewide general election in an even-numbered year (§§ 29A.04.097, 29A.04.086). Candidates of a minor party, new party or independent may secure a place on the ballot by being nominated at a convention of supporters (§ 29A.20.121). To be valid, a convention must be attended by at least 100 registered vot-

ers. And, in order to nominate candidates for the offices of President and Vice President of the United States, United States senator, or any statewide office, a nominating convention shall obtain and submit to the filing officer the signatures of at least 100 registered voters of the State of Washington. In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of 25 persons who are registered to vote in the jurisdiction of the office for which the nominations are made (§ 29A.20.141).

A certificate of nomination must be filed with the Secretary of State not later than the last day for filing declarations of one week after the convention at which the nominations were made. The certificate must be in writing; contain the name, address, and office sought by each nominee; a sworn statement of consent to the nomination; be verified under oath by the presiding officer and secretary; be signed by a number of members of the convention at least equal to the number required to validate a convention and give their addresses; contain proof of the notice of the convention call; and identify the minor political party or independent candidate on whose behalf the convention was held (§ 29A.20.161).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of the candidates for President and Vice President of the political parties and not the names of the electors are printed on the ballot. The votes cast for candidates for President and Vice President of each political party shall be counted for the candidates for presidential electors of such political party (§ 29A.56.320).

C. STATUTORY INSTRUCTIONS

Electors are to meet at noon on the day fixed by Federal statute at the seat of government and fill any vacancy by plurality of voice votes and perform the duties required of them by the Constitution and laws of the United States (§ 29A.56.340). Each political party is to require a pledge from those nominated for presidential elector that they will vote for the nominees of the party. Failure to vote for the nominees of the party subjects an elector to a $1,000 fine (§§ 29A.56.320, 29A.56.340).

WEST VIRGINIA

Presidential Electors: 5

A. NOMINATION

(1) *Major parties*

Candidates for presidential electors are nominated at State conventions of the respective political parties which are to be held during the months of June, July or August next preceding the general election at which presidential electors are to be elected (West Virginia Code, § 3–5–21). Nominations so made shall be certified to the Secretary of State by the chairman and secretary of the convention within 15 days after the close of the convention (§ 3–5–21).

The date and place of such conventions shall be designated by the State executive committee of the respective parties. Such committees shall also prescribe the number of delegates thereto, and shall apportion the delegates among the several counties of the State in proportion to the vote cast in the State for the party's candidate for Governor at the last preceding general election at which a Governor was elected (§ 3–5–21).

At least 60 days prior to the date fixed for a party's State convention, the chairman of the party's State executive committee shall send to the party's county executive committee in each county a copy of the resolutions fixing the time and place of holding the State convention and prescribing the number of delegates from each county to the convention (§ 3–5–21).

Within 10 days after receipt of the copy of such resolutions, the party executive committee of each county shall meet and, by resolution, shall apportion the delegates to the State convention among the several magisterial districts of the county, on a basis of the vote received in the county by the candidate for Governor at the last preceding general election at which a Governor was elected, but in such apportionment of county delegates, each magisterial district shall be entitled to at least one delegate to such State convention. The party's county executive committee shall call a meeting of the members of the political party in mass convention in the several magisterial districts of the county, which district meetings shall be held at least 30 days prior to the date fixed for the State convention, and at which meeting the members of the political party in each magisterial district shall elect the number of delegates to which such district is entitled in the State convention (§ 3–5–21). The delegates chosen and certified by and from the several magisterial districts in the State shall make up the State convention (§ 3–5–21).

(2) *Minor parties*

Any political party which polled less than ten percent of the total vote cast only for Governor at the general election immediately preceding may nominate candidates and select committees by party conventions, provided such nominations are made and the certificates thereof filed within the required time and in the required manner or by certificate in the same manner as groups of citizens may make nominations (§ 3–5–22). No delegate or person participating in the selection of delegates shall vote in any primary election held in that year.

(3) *Independent candidates*

Groups of citizens having no party organization may nominate candidates for public office otherwise than by conventions or primary elections. In such case, the candidate, jointly or severally, shall file a declaration with the Secretary of State if the office is to be filled by the voters of more than one county, or with the clerk of the circuit court of the county if the office is to be filled by the voters of one county or political subdivision thereof; such declaration to be filed at least thirty days prior to the required time of filing the nomination certificate: provided, that the deadline for filing the certificate for persons seeking ballot access as a candidate

for the office of President or Vice President shall be filed not later than the first day of August preceding the general election. At the time of filing of such declaration each candidate shall pay the filing fee required by law, and if such declaration is not so filed or the filing fee so paid, the certificate shall not be received by the Secretary of State, or clerk of the circuit court, as the case may be (§ 3–5–23). A certificate of nomination, bearing signatures equal to not less than one percent of the entire vote cast at the last preceding general election in the State for the office sought, but in no event shall the number be less than 25, must be filed with the Secretary of State not later than one day before the primary (§ § 3–5–23, 3–5–24).

B. NAMES ON GENERAL ELECTION BALLOTS

The names of candidates for offices of presidential electors are omitted from the ballot. Names of candidates for offices of President and Vice President are printed on the ballots (§ 3–6–2, (d)(1)).

A vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with the Secretary of State (§ 3–6–2).

C. STATUTORY INSTRUCTIONS

The electors shall meet in the office of the Governor at the capitol on the day appointed by the Congress of the United States and vote for the President and Vice President in the manner prescribed by the Constitution and laws of the United States (§ 3–1–14).

WISCONSIN

Presidential Electors: 11

A. NOMINATION

(1) *Major parties, minor parties*

Candidates for presidential electors are nominated at State conventions of the respective political parties held on the first Tuesday in October. One presidential elector shall be nominated by a party from each congressional district and two electors shall be nominated from the State at large. The names of the nominees shall be certified immediately by the chairman of the State committee of each party to the chairman of the elections board (Wisconsin Statutes Annotated, § 8.18).

(2) *Independent and write-in candidates*

Nominations for presidential electors may be made by filing nomination papers with the election board not later than 5 p.m. on the second Tuesday in July (§ 8.20). Such papers shall list one presidential elector from each congressional district and 2 electors from the State at large, and the candidates for President and Vice President for whom they intend to vote if elected. They shall contain signatures of not less than 2,000 nor more than 4,000 qualified voters, plus the party or principle the candidates represent, if any, in 5 words or less. Papers shall not be circulated earlier than Au-

gust 1 and filed not later than 5 p.m. on the first Tuesday in September (§ 8.20(3)–(8)).

Candidates for the offices of President or Vice President of the United States as write-in candidates shall file a list of presidential electors and a declaration of candidacy with the election board no later than 4:30 p.m. on the second Tuesday preceding the day of the general election to choose the President and Vice President of the United States. The list shall contain one presidential elector from each congressional district and two electors from the State at large and the names of the candidates for President and Vice President for whom they intend to vote, if elected. Compliance with this subsection may be waived by the election board but only if the results of the general election indicate that the write-in candidate for the office of President is eligible to receive the electoral votes of this State except for noncompliance with this subsection. In such event, the write-in candidate and that person's named presidential electors shall have until 4:30 p.m. on the Friday following the general election to comply with the filing requirements of this subsection (§ 8.185). If more than one list of presidential electors is filed with the Secretary of State by any write-in candidates for the offices of President and Vice President of the United States, the first list filed shall be considered the valid list, provided that this list meets the additional requirements of this section (§ 8.185).

B. NAMES ON GENERAL ELECTION BALLOTS

Names of the candidates for the office of President and Vice President and not the names of the electors are placed on the ballot. The vote counts as a vote for the electors (§§ 5.10, 8.25).

C. STATUTORY INSTRUCTIONS

The electors for President and Vice President shall meet at the state capitol following the presidential election at 12:00 noon the first Monday after the 2nd Wednesday in December. If there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy. When all electors are present, or the vacancies filled, they shall perform their required duties under the constitution and laws of the United States. The presidential electors, when convened, shall vote by ballot for that person for President and that person for Vice President who are, respectively, the candidates of the political party which nominated them, the candidates whose names appeared on the nomination papers, or the candidate or candidates who filed their names, except that at least one of the persons for whom the electors vote may not be an inhabitant of this State. A presidential elector is not required to vote for a candidate who is deceased at the time of the meeting (§ 7.75).

WYOMING
Presidential Electors: 3

A. NOMINATION
(1) *Major parties*
Electors are nominated by the State convention of a political party nominating candidates for President and Vice President of the United States. Certificates of nomination should be filed within 30 days after the termination of the convention (Wyoming Statutes Annotated, §§ 22–19–102, 22–4–118). Party conventions are to be held on the first Saturday in May in even numbered years (§ 22–4–115).
(2) *Minor parties*
A "minor political party" is one whose candidate for specified offices received between 2% and 10% of the total votes cast for the office (§ 22–1–102(a) (xviii)).
(3) *Independent candidates*
Independent candidates for President shall file the candidate's nominees for presidential electors not less than 70 days prior to the general election. (§ 22–19–102).

B. NAMES ON GENERAL ELECTION BALLOTS
The number of votes received by Presidential and Vice Presidential candidates is the number of votes credited to their electors (§ 22–19–103). The names of candidates for President and Vice President are paired with a single voting block for each pair (§ 22–6–120).

C. STATUTORY INSTRUCTIONS
Electors are to meet at 12:00 noon on the Monday following the second Wednesday in December of presidential election years, and all electors shall vote for the candidates for the office (of President and Vice President of the United States) receiving the highest number of votes in the Wyoming general election (§ § 22–19–106; 22–19–108).

APPENDIX

1. Act of March 1, 1792, 1 Stat. 239

CHAP. VIII.—*An Act relative to the Election of a President and Vice President of the United States, and declaring the Officer who shall act as President in case of Vacancies in the offices both of President and Vice President.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That except in case of an election of a President and Vice President of the United States, prior to the ordinary period as herein after specified, electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives, to which the several states may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided always,* That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

SEC. 2. *And be it further enacted,* That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each state as shall be directed, by the legislature thereof; and the electors in each state shall make and sign three certificates of all the votes by them given, and shall seal up the same certifying on each that a list of the votes of such state for President and Vice President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of government, before the first Wednesday in January then next ensuing, one of the said certificates, and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of government, one other of the said certificates and shall forthwith cause the other of the said certificates to be delivered to the judge of that district in which the said electors shall assemble.

SEC. 3. *And be it further enacted,* That the executive authority of each state shall cause three lists of the names of the electors of such state to be made and certified and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

SEC. 4. *And be it further enacted,* That if a list of votes, from any state, shall not have been received at the seat of government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged,

who shall forthwith transmit the same to the seat of government.

SEC. 5. *And be it further enacted,* That Congress shall be in session on the second Wednesday in February, one thousand seven hundred and ninety-three, and on the second Wednesday in February succeeding every meeting of the electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the constitution.

SEC. 6. *And be it further enacted,* That in case there shall be no President of the Senate at the seat of government on the arrival of the persons entrusted with the lists of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be, to the President of the Senate.

SEC. 7. *And be it further enacted,* That the persons appointed by the electors to deliver the lists of votes to the President of the Senate, shall be allowed on the delivery of the said lists twenty-five cents for every mile of the estimated distance by the most usual road, from the place of meeting of the electors, to the seat of government of the United States.

SEC. 8. *And be it further enacted,* That if any person appointed to deliver the votes of the electors to the President of the Senate, shall after accepting of his appointment neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

SEC. 9. *And be it further enacted,* That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

SEC. 10. *And be it further enacted,* That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided,* There shall be the space of two months between the date of such notification and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or

chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

SEC. 11. *And be it further enacted,* That the only evidence of a refusal to accept or of a resignation of the office of President or Vice President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

SEC. 12. *And be it further enacted,* That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

APPROVED, March 1, 1792.

2. Act of Jan. 19, 1886, 24 Stat. 1

CHAP. 4.—*An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice-President is removed or a President shall be elected: *Provided,* That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

SEC. 3. That sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty of the Revised Statutes are hereby repealed.

APPROVED, January 19, 1886.

3. Presidential Succession Act—Act of July 18, 1947, as Amended (3 U.S.C. § 19)

3 U.S.C. § 19. Vacancy in Offices of Both President and Vice President; Officers Eligible To Act.

(a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in

paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.
(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.
(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.
(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.
(June 25, 1948, ch. 644, § 1, 62 Stat. 677; Sept. 9, 1965, Pub. L. 89–174, § 6(a), 79 Stat. 669; Oct. 15, 1966, Pub. L. 89–670, § 10(a), 80 Stat. 948; Aug. 12, 1970, Pub. L. 91–375, § 6(b), 84 Stat. 775; Aug. 4, 1977, Pub. L. 95–91, Title VII, § 709(g), 91 Stat. 609 and as amended Oct. 17, 1979, Pub. L. 96–88, Title V, § 508(a), 93 Stat. 692; Oct. 25, 1988, Pub. L. 100–527, § 13(a), 102 Stat. 2643.)

4. Twentieth Amendment: Commencement of the Terms of the President and Vice President

SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.
SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.
SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.
SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may

choose a Vice President whenever the right of choice shall have devolved upon them.
SECTION 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.
SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

5. Twenty-Fifth Amendment: Presidential Vacancy and Disability

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.
SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.
SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.
SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

PART V. TABLES RELATING TO VARIOUS ASPECTS OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT

TABLE 1.—Presidents and Vice Presidents of the United States and the Congresses Coincident With Their Terms

President and political party	Born	Died	Age at inaugu-ration	Native of—	Elected from—	Religion	Major opponent	Electoral vote [1]		Popular vote		Service	Vice President	Congress
								Winner	Loser	Winner	Loser			
George Washington (F)	1732	1799	57	Va.	Va.	Episcopalian	John Adams	69	34			Apr. 30, 1789–Mar. 3, 1793	John Adams	1, 2
Do			61				John Adams (F)	132	77			Mar. 4, 1793–Mar. 3, 1797	do	3, 4
John Adams (F)	1735	1826	61	Mass.	Mass.	Unitarian	Jefferson (D–R)	71	68			Mar. 4, 1797–Mar. 3, 1801	Thomas Jefferson	5, 6
Thomas Jefferson (D–R)	1743	1826	57	Va.	Va.	Liberal	Burr (D–R)	73	[2] 73			Mar. 4, 1801–Mar. 3, 1805	Aaron Burr	7, 8
Do			61				Pinckney (F)	162	14			Mar. 4, 1805–Mar. 3, 1809	George Clinton	9. 10
James Madison (D–R)	1751	1836	57	Va.	Va.	Episcopalian	Pinckney (F)	122	47			Mar. 4, 1809–Mar. 3, 1813	do	11, 12
Do			61				Clinton (F)	128	89			Mar. 4, 1813–Mar. 3, 1817	Elbridge Gerry	13, 14
James Monroe (D–R)	1758	1831	58	Va.	Va.	Episcopalian	King (F)	183	34			Mar. 4, 1817–Mar. 3, 1821	Daniel D. Tompkins	15, 16
Do			62				John Q. Adams (N–R)	231	1			Mar. 4, 1821–Mar. 3, 1825	do	17, 18
John Q. Adams (C)	1767	1848	57	Mass.	Mass.	Unitarian	Jackson (D–R)	84	[3] 99	108,740	153,544	Mar. 4, 1825–Mar. 3, 1829	John C. Calhoun	19, 20
Andrew Jackson (D)	1767	1845	61	N.C.	Tenn.	Presbyterian	John Q. Adams (N–R)	178	83	647,286	508,064	Mar. 4, 1829–Mar. 3, 1833	do	21, 22
Do			65				Clay (N–R)	219	49	687,502	530,189	Mar. 4, 1833–Mar. 3, 1837	Martin Van Buren	23, 24
Martin Van Buren (D)	1782	1862	54	N.Y.	N.Y.	Ref. Dutch	W. H. Harrison (W)	170	73	762,678	735,651	Mar. 4, 1837–Mar. 3, 1841	Richard M. Johnson	25, 26
W. H. Harrison (W)	1773	1841	68	Va.	Ohio	Episcopalian	Van Buren (D)	234	60	1,275,016	1,129,102	Mar. 4, 1841–Apr. 4, 1841	John Tyler	27
John Tyler (W)	1790	1862	51	do	Va.	do	(4)					Apr. 6, 1841–Mar. 3, 1845		27, 28
James K. Polk (D)	1795	1849	49	Tenn.	Tenn.	Presbyterian	Clay (W)	170	105	1,337,243	1,299,062	Mar. 4, 1845–Mar. 3, 1849	George M. Dallas	29, 30
Zachary Taylor (W)	1784	1850	64	Va.	La.	Episcopalian	Cass (D)	163	127	1,360,099	1,220,544	Mar. 5, 1849–July 9, 1850	Millard Filmore	31
Millard Filmore (W)	1800	1874	50	N.Y.	N.Y.	do	(5)					July 10, 1850–Mar. 3, 1853		31, 32
Franklin Pierce (D)	1804	1869	48	N.H.	N.H.	do	Scott (W)	254	42	1,601,274	1,386,580	Mar. 4, 1853–Mar. 3, 1857	William R. King	33, 34
James Buchanan (D)	1791	1868	65	Pa.	Pa.	Presbyterian	Fremont (R)	174	114	1,838,169	1,341,264	Mar. 4, 1857–Mar. 3, 1861	John C. Breckenridge	35, 36
Abraham Lincoln (R)	1809	1865	52	Ky.	Ill.	Liberal	Breckenridge (D)	180	72	1,866,452	847,953	Mar. 4, 1861–Mar. 3, 1865	Hannibal Hamlin	37, 38
Do			56				McClellan (D)	212	21	2,213,665	1,805,237	Mar. 4, 1865–Apr. 15, 1865	Andrew Johnson	39
Andrew Johnson (R)	1808	1875	56	N.C.	Tenn.	Liberal	(6)					Apr. 15, 1865–Mar. 3, 1869		39, 40
Ulysses S. Grant (R)	1822	1885	46	Ohio	Ill.	Methodist	Seymour (D)	214	80	3,012,833	2,703,249	Mar. 4, 1869–Mar. 3, 1873	Schuyler Colfax	41, 42
Do			50				Greeley (D–LR)	286	(7)	3,597,132	2,834,125	Mar. 4, 1873–Mar. 3, 1877	Henry Wilson	43, 44
Rutherford B. Hayes (R)	1822	1893	54	Ohio	Ohio	Methodist	Tilden (D)	185	[8] 184	4,036,298	4,300,590	Mar. 4, 1877–Mar. 3, 1881	William A. Wheeler	45, 46
James A. Garfield (R)	1831	1881	49	do	do	Disc. of Christ	Hancock (D)	214	155	4,454,416	4,444,952	Mar. 4, 1881–Sept. 19, 1881	Chester A. Arthur	47
Chester A. Arthur (R)	1830	1886	50	Vt.	N.Y.	Episcopalian	(9)					Sept. 20, 1881–Mar. 3, 1885		47, 48
Grover Cleveland (D)	1837	1908	47	N.J.	N.Y.	Presbyterian	Blaine (R)	219	182	4,874,986	4,851,981	Mar. 4, 1885–Mar. 3, 1889	Thomas A. Hendricks	49, 50
Benjamin Harrison (R)	1833	1901	55	Ohio	Ind.	do	Cleveland (D)	233	168	5,439,853	5,540,309	Mar. 4, 1889–Mar. 3, 1893	Levi P. Morton	51, 52
Grover Cleveland (D)	1837	1908	55	N.J.	N.Y.	do	Benjamin Harrison (R)	277	145	5,556,918	5,176,108	Mar. 4, 1893–Mar. 3, 1897	Adlai E. Stevenson	53, 54
William McKinley (R)	1843	1901	54	Ohio	Ohio	Methodist	Bryan (D–P)	271	176	7,104,779	6,502,925	Mar. 4, 1897–Mar. 3, 1901	Garret A. Hobart	55, 56
Do			58				do	292	155	7,207,923	6,358,133	Mar. 4, 1901–Sept. 14, 1901	Theodore Roosevelt	57
Theodore Roosevelt (R)	1858	1919	42	N.Y.	N.Y.	Ref. Dutch	(10)					Sept. 14, 1901–Mar. 3, 1905		57, 58
Do			46				Parker (D)	336	140	7,623,486	5,077,911	Mar. 4, 1905–Mar. 3, 1909	Charles W. Fairbanks	59, 60
William H. Taft (R)	1857	1930	51	Ohio	Ohio	Unitarian	Bryan (D)	321	162	7,678,908	6,409,104	Mar. 4, 1909–Mar. 3, 1913	James S. Sherman	61, 62
Woodrow Wilson (D)	1856	1924	56	Va.	N.J.	Presbyterian	T. Roosevelt (R)	435	88	6,293,454	3,484,980	Mar. 4, 1913–Mar. 3, 1917	Thomas R. Marshall	63, 64
Do			60				Hughes (R)	277	254	9,129,606	8,538,221	Mar. 4, 1917–Mar. 3, 1921	do	65, 66
Warren G. Harding (R)	1865	1923	55	Ohio	Ohio	Presbyterian	Cox (D)	404	127	16,152,200	9,147,353	Mar. 4, 1921–Aug. 2, 1923	Calvin Coolidge	67
Calvin Coolidge (R)	1872	1933	51	Vt.	Mass.	Congregational	(11)					Aug. 3, 1923–Mar. 3, 1925		68
Do			52				Davis (D)	382	136	15,725,016	8,386,503	Mar. 4, 1925–Mar. 3, 1929	Charles G. Dawes	69, 70
Herbert Hoover (R)	1874	1964	54	Iowa	Calif.	Quaker	Smith (D)	444	87	21,391,381	15,016,443	Mar. 4, 1929–Mar. 3, 1933	Charles Curtis	71, 72
Franklin D. Roosevelt (D)	1882	1945	51	N.Y.	N.Y.	Episcopalian	Hoover (R)	472	59	22,821,857	15,761,841	Mar. 4, 1933–Jan. 20, 1937	John N. Garner	73, 74
Do			55				Landon (R)	523	8	27,751,597	16,679,583	Jan. 20, 1937–Jan. 20, 1941	do	75, 76
Do			59				Wilkie (R)	449	82	27,244,160	22,305,198	Jan. 20, 1941–Jan. 20, 1945	Henry A. Wallace	77, 78
Do			63				Dewey (R)	432	99	25,602,504	22,006,285	Jan. 20, 1945–Apr. 12, 1945	Harry S. Truman	79
Harry S. Truman (D)	1884	1972	60	Mo.	Mo.	Baptist	(12)					Apr. 12, 1945–Jan. 20, 1949		79, 80
Do			64				Dewey (R)	303	189	24,105,695	21,969,170	Jan. 20, 1949–Jan. 20, 1953	Alben W. Barkley	81, 82
Dwight D. Eisenhower (R)	1890	1969	62	Texas	N.Y.	Presbyterian	Stevenson (D)	442	89	33,778,963	27,314,992	Jan. 20, 1953–Jan. 20, 1957	Richard M. Nixon	83, 84
Do			66		Pa.		do	457	73	35,581,003	25,738,765	Jan. 20, 1957–Jan. 20, 1961	do	85, 86
John F. Kennedy (D)	1917	1963	43	Mass.	Mass.	Roman Catholic	Nixon (R)	303	219	34,227,096	34,107,646	Jan. 20, 1961–Nov. 22, 1963	Lyndon B. Johnson	87, 88
Lyndon B. Johnson (D)	1908	1973	55	Texas	Texas	Christian	(13)					Nov. 22, 1963–Jan. 20, 1965		88
Do			56				Goldwater (R)	486	52	42,825,463	27,146,969	Jan. 20, 1965–Jan. 20, 1969	Hubert H. Humphrey	89, 90
Richard M. Nixon (R)	1913	1994	56	Calif.	N.Y.	Quaker	Humphrey (D)	301	191	31,710,470	30,898,055	Jan. 20, 1969–Jan. 20, 1973	Spiro T. Agnew	91, 92
Do			60				McGovern (D)	520	17	46,740,323	28,901,598	Jan. 20, 1973–Aug. 9, 1974	do [14]	93
Do													Gerald Ford [15]	93
Gerald R. Ford (R)	1913		61	Nebr.	Mich.	Episcopalian	(16)					Aug. 9, 1974–Jan. 20, 1977	Nelson A. Rockefeller [17]	96
Jimmy Carter (D)	1924		52	Ga.	Ga.	Baptist	Ford (R)	297	240	40,825,839	39,147,770	Jan. 20, 1977–Jan. 20, 1981	Walter F. Mondale	95, 96
Ronald Reagan (R)	1911		69	Calif.	Calif.	Christian	Jimmy Carter	489	49	43,901,812	35,483,820	Jan. 20, 1981–Jan. 20, 1985	George Bush	97, 98
Do			73				Walter F. Mondale	525	13	54,455,000	37,577,000	Jan. 20, 1985–Jan. 20, 1989	do	99, 100
George Bush (R)	1924		64	Texas	Texas	Episcopalian	Michael Dukakis (D)	426	111	47,946,000	41,016,000	Jan. 20, 1989–Jan. 20, 1993	James Danforth Quayle	101, 102
William J. Clinton (D)	1946		47	Ark.	Ark.	Baptist	George Bush (R)	370	168	44,909,326	39,104,882	Jan. 20, 1993–Jan. 20, 1997	Albert Gore	103, 104
Do			51				Robert Dole (R)	379	159	47,402,357	39,198,755	Jan. 20, 1997	do	105, 106
George W. Bush (R)	1946		54	Conn.	Texas	Methodist	Albert Gore, Jr. (D)	271	266	50,456,002	50,999,897	Jan. 20, 2001–Jan. 20, 2005	Richard B. Cheney	107, 108
Do							John Kerry	286	251	62,040,003	59,027,335	Jan. 20, 2005–Jan. 20, 2009	do	109, 110

[1] Electoral votes for other candidates disregarded. [2] There being no choice for President by the people, the election devolved upon the House of Representatives, and Feb. 17, 1801. Thomas Jefferson was chosen by the votes of 10 States, to 4 for Aaron Burr, and 2 blank. [3] No choice for President having been made by the people, the election devolved upon the House of Representatives and John Quincy Adams was elected, receiving the votes of 13 States to 7 for Andrew Jackson and 3 for William H. Crawford. [4] Harrison died in 1841; succeeded by Tyler. [5] Taylor died in 1850; succeeded by Filmore. [6] Lincoln was assassinated in 1865; succeeded by Johnson. [7] By resolution of the House, 3 votes cast for Horace Greeley were not counted. [8] The electoral votes of 4 States were disputed. Congress referred the matter to the Electoral Commission which gave the decision to Hayes. [9] Garfield was assassinated in 1881; succeeded by Arthur. [10] McKinley was assassinated in 1901; succeeded by Theodore Roosevelt. [11] Harding died in 1923; succeeded by Coolidge. [12] F.D. Roosevelt died in 1945; succeeded by Truman. [13] Kennedy was assassinated Nov. 22, 1963; succeeded by Lyndon B. Johnson. [14] Resigned, Oct. 10, 1973. [15] Replaced Agnew, Dec. 6, 1973. [16] Replaced Nixon who resigned on Aug. 9, 1974. [17] Rockefeller was sworn in as Vice President in Dec. 1974. Key to abbreviations: (D) Democrat; (D–P) Democrat-Populist; (D–R) Democrat-Republican; (D–LR) Democrat-Liberal Republican; (F) Federalist; (N–R) National-Republican; (R) Republican; (W) Whig; (C) Coalition.

TABLE 2.—Electoral Vote Cast for President, by Major Political Parties—States: 1956 to 2004

[D=Democratic, R=Republican]

REGION, DIVISION, AND STATE	1956[1]	1960[2]	1964	1968[3]	1972[4]	1976[5]	1980	1984	1988[6]	1992	1996	2000	2004
Democratic	**73**	**303**	**486**	**191**	**17**	**297**	**49**	**13**	**111**	**370**	**379**	266	251
Republican	**457**	**219**	**52**	**301**	**520**	**240**	**489**	**525**	**426**	**168**	**159**	271	286
Northeast:													
Democratic	—	121	126	102	14	86	4	—	53	106	106	102	101
Republican	133	12	—	24	108	36	118	113	60	—	—	4	—
Midwest:													
Democratic	13	71	149	31	—	58	10	10	29	100	100	68	57
Republican	140	82	—	118	145	87	135	127	108	29	29	61	66
South:													
Democratic	60	101	121	45	3	149	31	3	8	68	80	15	16
Republican	105	50	47	77	165	20	138	174	168	116	104	168	173
West:													
Democratic	—	10	90	13	—	4	4	—	21	96	93	81	77
Republican	79	75	5	82	102	97	98	111	90	23	26	38	47
New England:													
ME	R–5	R–5	D–4	D–4	R–4	R–4	R–4	R–4	R–4	D–4	D–4	D–4	D–4
NH	R–4	R–4	D–4	R–4	R–4	R–4	R–4	R–4	R–4	D–4	D–4	R–4	D–4
VT	R–3	R–3	D–3	R–3	R–3	R–3	R–3	R–3	R–3	D–3	D–3	D–3	D–3
MA	R–16	D–16	D–14	D–14	D–14	D–14	R–14	R–13	D–13	D–12	D–12	D–12	D–12
RI	R–4	D–4	D–4	D–4	R–4	D–4	D–4	R–4	D–4	D–4	D–4	D–4	D–4
CT	R–8	D–8	D–8	D–8	R–8	R–8	R–8	R–8	R–8	D–8	D–8	D–8	D–7
Middle Atlantic:													
NY	R–45	D–45	D–43	D–43	R–41	D–41	R–41	R–36	D–36	D–33	D–33	D–33	D–31
NJ	R–16	D–16	D–17	R–17	R–17	R–17	R–17	R–16	R–16	D–15	D–15	D–15	D–15
PA	R–32	R–32	R–29	D–29	R–27	D–27	R–27	R–25	R–25	D–23	D–23	D–23	D–21
East North Central:													
OH	R–25	R–25	D–26	R–26	R–25	D–25	R–25	R–23	R–23	D–21	D–21	R–21	R–20
IN	R–13	R–13	D–13	R–13	R–13	R–13	R–13	R–12	R–12	R–12	R–12	R–12	R–11
IL	R–27	D–27	D–26	R–26	R–26	R–26	R–26	R–24	R–24	D–22	D–22	D–22	D–21
MI	R–20	D–20	D–21	D–21	R–21	R–21	R–21	R–20	R–20	D–18	D–18	D–18	D–17
WI	R–12	R–12	D–12	R–12	R–11	D–11	R–11	R–11	D–11	D–11	D–11	D–11	D–10
West North Central:													
MN	R–11	D–11	D–10	D–10	R–10	D–10	D–10	D–10	D–10	D–10	D–10	D–10	D–9
IA	R–10	R–10	D–9	R–9	R–8	R–8	R–8	R–8	D–8	D–7	D–7	D–7	R–7
MO	D–13	D–13	D–12	R–12	R–12	D–12	R–12	R–11	R–11	D–11	D–11	R–11	R–11
ND	R–4	R–4	D–4	R–4	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3
SD	R–4	R–4	D–4	R–4	R–4	R–4	R–4	R–3	R–3	R–3	R–3	R–3	R–3
NE	R–6	R–6	D–5	R–5	R–5	R–5	R–5	R–5	R–5	R–5	R–5	R–5	R–5
KS	R–8	R–8	D–7	R–7	R–7	R–7	R–7	R–7	R–7	R–6	R–6	R–6	R–6
South Atlantic:													
DE	R–3	D–3	D–3	R–3	R–3	D–3	R–3	R–3	R–3	D–3	D–3	D–3	D–3
MD	R–9	D–9	D–10	D–10	R–10	D–10	D–10	R–10	R–10	D–10	D–10	D–10	D–10
DC	(X)	(X)	D–3	D–3	D–3	D–3	D–3	D–3	D–3	D–3	D–3	D–2	D–3
VA	R–12	R–12	D–12	R–12	[4]R–11	R–12	R–12	R–12	R–12	R–13	R–13	R–13	R–13
WV	R–8	D–8	D–7	D–7	R–6	D–6	D–6	R–6	[6]D–5	D–5	D–5	R–5	R–5
NC	D–14	D–14	D–13	[3]R–12	R–13	D–13	R–13	R–13	R–13	R–14	R–14	R–14	R–15
SC	D–8	D–8	R–8	R–8	R–8	D–8	R–8	R–8	R–8	R–8	R–8	R–8	R–8
GA	D–12	D–12	R–12	(3)	R–12	D–12	D–12	R–12	R–12	D–13	R–13	R–13	R–15
FL	R–10	R–10	D–14	R–14	R–17	D–17	R–17	R–21	R–21	R–25	D–25	R–25	R–27
East South Central:													
KY	R–10	R–10	D–9	R–9	R–9	D–9	R–9	R–9	R–9	D–8	D–8	R–8	R–8
TN	R–11	R–11	D–11	R–11	R–10	D–10	R–10	R–11	R–11	D–11	D–11	R–11	R–11
AL	[1]D–10	[2]D–5	R–10	(3)	R–9	D–9	R–9	R–9	R–9	R–9	R–9	R–9	R–9
MS	D–8	(2)	R–7	(3)	R–7	D–7	R–7	R–7	R–7	R–7	R–7	R–7	R–6
West South Central:													
AR	D–8	D–8	D–6	(3)	R–6	D–6	R–6	R–6	R–6	D–6	D–6	R–6	R–6
LA	R–10	D–10	R–10	(3)	R–10	D–10	R–10	R–10	R–10	D–9	D–9	R–9	R–9
OK	R–8	[2]R–7	D–8	R–8	R–8	R–8	R–8	R–8	R–8	R–8	R–8	R–8	R–7
TX	R–24	D–24	D–25	D–25	R–26	D–26	R–26	R–29	R–29	R–32	R–32	R–32	R–34
Mountain:													
MT	R–4	R–4	D–4	R–4	R–4	R–4	R–4	R–4	R–4	D–3	D–3	R–3	R–3
ID	R–4	R–4	D–4	R–4	R–4	R–4	R–4	R–4	R–4	R–4	R–4	R–4	R–4
WY	R–3	R–3	D–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3
CO	R–6	R–6	D–6	R–6	R–7	R–7	R–7	R–8	R–8	D–8	R–8	R–8	R–9
NM	R–4	D–4	D–4	R–4	R–4	R–4	R–4	R–5	R–5	D–5	D–5	D–5	R–5
AZ	R–4	R–4	R–5	R–5	R–6	R–6	R–6	R–7	R–7	R–8	D–8	R–8	R–10
UT	R–4	R–4	D–4	R–4	R–4	R–4	R–4	R–5	R–5	R–5	R–5	R–5	R–5
NV	R–3	D–3	D–3	R–3	R–3	R–3	R–3	R–4	R–4	D–4	D–4	R–4	R–5
Pacific:													
WA	R–9	R–9	D–9	D–9	R–9	[5]R–8	R–9	R–10	D–10	D–11	D–11	D–11	D–11
OR	R–6	R–6	D–6	R–6	R–6	R–6	R–6	R–7	D–7	D–7	D–7	D–7	D–7
CA	R–32	R–32	D–40	R–40	R–45	R–45	R–45	R–47	R–47	D–54	D–54	D–54	D–55
AK	(X)	R–3	D–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3	R–3
HI	(X)	D–3	D–4	D–4	R–4	D–4	D–4	R–4	D–4	D–4	D–4	D–4	D–4

—Represents zero. X=Not applicable. [1]Excludes one electoral vote cast for Walter B. Jones in Alabama. [2]Excludes 15 electoral votes cast for Harry F. Byrd as follows: AL 6, MS 8, and OK 1. [3]Excludes 46 electoral votes cast for American Independent George C. Wallace as follows: AL 10, AR 6, GA 12, LA 10, MS 7, and NC 1. [4]Excludes one electoral vote cast for Libertarian John Hospers in Virginia. [5]Excludes one electoral vote cast for Ronald Reagan in Washington. [6]Excludes one electoral vote cast for Lloyd Bentsen for President in West Virginia.

SOURCE: 1952–72, 2000–04 U.S. Congress, Clerk of the House, *Statistics of the Presidential and Congressional Election,* quadrennial; 1976–96, Congressional Quarterly, Inc., Washington, D.C. *America Votes,* biennial (copyright).

TABLE 3.—Popular Vote Cast for President, by Political Parties—Regions and States 1976 to 2004

[In thousands, except percent. D=Democrat, R=Republican. Leading party vote refers to the party vote representing either a majority or a plurality for the victorious party in the area shown.]

Region Division, and State	1976				1980				1984				1988 [2]				1992			
	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party
U.S.	**81,556**	**40,831**	**39,148**	**D–50.1**	**86,515**	**35,484**	**43,904**	**R–50.7**	**92,653**	**37,577**	**54,455**	**R–58.8**	**88,963**	**41,016**	**47,946**	**R–53.9**	**104,425**	**44,909**	**39,104**	**D–43.0**
Region:																				
Northeast	9,520	9,929	9,272	D–50.9	19,206	8,019	9,147	R–47.6	20,483	9,046	11,336	R–55.3	19,260	9,485	9,774	R–50.7	21,581	9,940	7,507	D–46.1
Midwest	24,155	11,671	11,995	R–49.7	25,178	10,291	12,827	R–50.9	25,441	10,511	14,761	R–58.0	24,347	11,489	12,858	R–52.8	27,735	11,692	10,234	D–42.2
South	23,198	12,520	10,394	D–54.0	25,813	11,554	13,118	R–50.8	28,833	10,998	17,699	R–61.4	28,005	11,892	16,113	R–57.5	33,625	14,118	14,014	D–42.0
West	114,682	6,711	7,488	R–51.0	16,318	5,620	8,813	R–54.0	17,895	7,022	10,659	R–59.6	17,351	8,150	9,201	R–53.0	21,484	9,160	7,349	D–42.6
N. Eng	**5,351**	**2,766**	**2,454**	**D–51.7**	**5,467**	**2,206**	**2,446**	**R–44.7**	**5,614**	**2,437**	**3,153**	**R–56.2**	**5,606**	**2,798**	**2,808**	**R–50.1**	**6,351**	**2,820**	**2,012**	**D–44.4**
ME	483	232	236	R–48.9	523	221	239	R–45.6	553	215	337	R–60.8	545	241	304	R–55.8	679	263	207	D–38.8
NH	340	148	186	R–54.7	384	109	222	R–57.7	389	120	267	R–68.6	442	162	280	R–63.3	538	209	202	D–38.9
VT	188	81	102	R–54.4	213	82	95	R–44.4	235	96	36	R–57.9	240	116	123	R–51.4	290	134	88	D–46.1
MA	2,548	1,429	1,030	D–56.1	2,524	1,054	1,058	R–41.9	2,559	1,240	1,311	R–51.2	2,572	1,387	1,184	D–53.9	2,774	1,319	805	D–47.5
RI	411	228	181	D–55.4	416	198	155	D–47.7	410	197	212	R–51.7	386	217	170	D–56.1	453	213	132	D–47.0
CT	1,382	648	719	R–52.1	1,406	542	677	R–48.2	1,467	570	891	R–60.7	1,422	675	747	R–52.5	1,616	682	578	D–42.2
Mid. Atl	**14,169**	**7,164**	**6,817**	**D–50.6**	**13,739**	**5,813**	**6,703**	**R–48.8**	**14,870**	**6,609**	**8,183**	**R–55.0**	**13,654**	**6,687**	**6,966**	**R–51.0**	**15,230**	**7,120**	**5,495**	**D–46.7**
NY	6,534	3,390	3,101	D–51.9	6,202	2,728	2,894	R–46.7	6,807	3,120	3,665	R–53.8	6,204	3,228	2,975	D–52.0	6,927	3,444	2,347	D–49.7
NJ	3,014	1,445	1,510	R–50.1	2,976	1,147	1,547	R–52.0	3,218	1,261	1,934	R–60.1	2,975	1,275	1,700	R–57.1	3,344	1,436	1,357	D–43.0
PA	4,621	2,329	2,206	D–50.4	4,562	1,938	2,262	R–49.6	4,845	2,228	2,584	R–53.3	4,475	2,184	2,291	R–51.2	4,960	2,239	1,792	D–45.1
E. No. Cent	**16,809**	**8,035**	**8,448**	**R–50.3**	**17,458**	**7,221**	**8,825**	**R–50.5**	**17,613**	**7,279**	**10,213**	**R–58.0**	**16,766**	**7,762**	**9,004**	**R–53.7**	**19,102**	**8,199**	**7,104**	**D–42.9**
OH	4,112	2,012	2,001	D–48.9	4,284	1,752	2,207	R–51.5	4,548	1,825	2,679	R–58.9	4,347	1,935	2,412	R–55.5	4,940	1,985	1,894	D–40.2
IN	2,220	1,015	1,184	R–53.3	2,242	844	1,256	R–56.0	2,233	841	1,377	R–61.7	2,131	851	1,280	R–60.1	2,306	848	989	R–42.9
IL	4,719	2,271	2,364	R–50.1	4,750	1,981	2,358	R–49.6	4,819	2,086	2,707	R–56.2	4,479	2,181	2,299	R–51.3	5,050	2,453	1,734	D–48.6
MI	3,654	1,697	1,894	R–51.8	3,910	1,662	1,915	R–49.0	3,802	1,530	2,252	R–59.2	3,643	1,673	1,969	R–54.1	4,275	1,871	1,555	D–43.8
WI	2,104	1,040	1,005	D–49.4	2,273	982	1,089	R–47.9	2,212	996	1,199	R–54.2	2,166	1,122	1,044	D–51.8	2,531	1,041	931	D–41.1
W. No. Cent	**7,346**	**3,635**	**3,547**	**D–49.5**	**7,719**	**3,070**	**4,002**	**R–51.8**	**7,828**	**3,232**	**4,548**	**R–58.1**	**7,581**	**3,727**	**3,854**	**R–50.8**	**8,633**	**3,493**	**3,130**	**D–40.5**
MN	1,950	1,070	819	D–54.9	2,052	954	873	D–46.5	2,084	1,036	1,033	D–49.7	2,065	1,107	958	D–53.6	2,348	1,021	748	D–43.5
IA	1,279	620	633	R–49.5	1,318	509	676	R–51.3	1,320	606	703	R–53.3	1,209	667	542	D–55.2	1,355	586	505	D–43.3
MO	1,954	998	927	D–51.1	2,100	931	1,074	R–51.2	2,123	849	1,274	R–60.0	2,085	1,004	1,081	R–51.8	2,392	1,054	811	D–44.1
ND	297	136	153	R–51.6	302	79	194	R–64.2	309	104	200	R–64.8	293	127	166	R–56.6	308	99	136	R–44.2
SD	301	147	152	R–50.4	328	104	198	R–60.5	318	116	200	R–63.0	311	146	166	R–53.2	336	125	137	R–40.7
NE	608	234	360	R–59.2	641	167	420	R–65.5	652	188	460	R–70.6	644	254	389	R–60.5	738	217	344	R–46.6
KS	958	430	503	R–52.5	980	326	567	R–57.9	1,022	333	677	R–66.3	975	422	553	R–56.7	1,157	390	450	R–38.9
So. Atl	**11,392**	**6,264**	**5,005**	**D–55.0**	**12,589**	**5,698**	**6,198**	**R–49.2**	**14,124**	**5,519**	**8,565**	**R–60.6**	**13,896**	**5,852**	**8,045**	**R–57.9**	**17,195**	**7,352**	**7,103**	**D–42.8**
DE	236	123	110	D–52.0	236	106	111	R–47.2	255	102	152	R–59.8	230	99	131	R–56.8	290	126	102	D–43.5
MD	1,440	760	673	D–52.8	1,540	726	681	D–47.1	1,676	788	880	R–52.5	1,628	794	834	R–51.2	1,985	989	707	D–49.8
DC	169	138	28	D–81.6	175	131	24	D–74.8	211	180	29	D–85.4	179	153	26	D–85.6	228	193	21	D–84.6
VA	1,697	814	837	R–49.3	1,866	752	990	R–53.0	2,147	796	1,337	R–62.3	2,166	861	1,305	R–60.3	2,559	1,039	1,151	R–45.0
WV	751	436	315	D–58.0	738	367	334	D–49.8	736	328	405	R–55.1	647	339	308	D–52.4	684	331	242	D–48.4
NC	1,679	927	742	D–55.2	1,856	876	915	R–49.3	2,175	824	1,346	R–61.9	2,122	890	1,232	R–58.1	2,612	1,114	1,135	R–43.4
SC	803	451	346	D–56.2	894	430	442	R–49.4	969	344	616	R–63.6	967	368	600	R–62.0	1,203	480	578	R–48.0
GA	1,467	979	484	D–66.7	1,597	891	654	D–55.8	1,776	707	1,069	R–60.2	1,786	716	1,070	R–59.9	2,321	1,009	995	D–43.5
FL	3,151	1,636	1,470	D–51.9	3,687	1,419	2,047	R–55.5	4,180	1,449	2,730	R–65.3	4,171	1,632	2,539	R–60.9	5,314	2,073	2,173	R–4.09
E. So. Cent	**4,596**	**2,482**	**2,037**	**D–54.0**	**5,147**	**2,465**	**2,518**	**R–48.9**	**5,464**	**2,155**	**3,267**	**R–59.8**	**5,197**	**2,165**	**3,032**	**R–58.3**	**6,145**	**2,689**	**2,751**	**R–44.8**
KY	1,167	616	532	D–52.8	1,295	616	635	R–49.1	1,369	540	822	R–60.0	1,311	579	731	R–55.8	1,493	665	617	D–44.6
TN	1,476	826	634	D–55.9	1,618	783	788	R–48.7	1,712	712	990	R–57.8	1,617	678	939	R–58.1	1,983	934	841	D–47.1
AL	1,183	659	504	D–55.7	1,342	637	654	R–48.8	1,442	552	873	R–60.5	1,357	547	810	R–59.7	1,688	690	804	R–47.6
MS	769	381	367	D–49.6	893	429	441	R–49.4	941	352	582	R–61.9	913	361	552	R–60.5	982	400	488	R–49.7
W. So. Cent	**7,210**	**3,774**	**3,354**	**D–52.4**	**58,078**	**3,389**	**4,403**	**R–54.5**	**9,244**	**3,325**	**5,867**	**R–63.5**	**8,912**	**3,875**	**5,037**	**R–56.5**	**10,285**	**4,077**	**4,160**	**R–40.4**
AR	768	499	268	D–65.0	838	398	403	R–48.1	884	339	535	R–60.5	809	345	464	R–57.3	951	506	337	D–53.2
LA	1,278	661	587	D–51.7	1,549	6708	93	8R–51.2	1,707	652	1,037	R–60.8	1,596	716	881	R–55.2	1,790	816	733	D–45.6
OK	1,092	532	546	R–50.0	1,150	402	696	R–60.5	1,256	385	862	R–68.6	1,162	483	678	R–58.4	1,390	473	593	R–42.6
TX	4,072	2,082	1,953	D–51.1	4,542	1,881	2,511	R–55.3	5,398	1,949	3,433	R–63.6	5,345	2,331	3,014	R–56.4	6,154	2,282	2,496	R–40.6
Mt	**3,815**	**1,569**	**2,124**	**R–55.7**	**4,346**	**1,251**	**2,637**	**R–60.7**	**4,736**	**1,546**	**3,131**	**R–66.1**	**4,893**	**2,027**	**2,865**	**R–58.6**	**5,970**	**2,167**	**2,272**	**R–38.1**
MT	329	149	174	R–52.8	364	118	207	R–56.8	384	147	232	R–60.5	358	168	190	R–53.0	411	155	144	D–37.6
ID	344	127	204	R–59.3	437	110	291	R–66.5	411	109	298	R–72.4	401	147	253	R–63.2	482	137	203	R–42.0
WY	156	62	93	R–59.3	177	49	111	R–62.6	189	53	133	R–70.5	174	67	107	R–61.4	201	68	79	R–39.6
CO	1,082	460	584	R–54.0	1,184	368	652	R–55.1	1,295	455	822	R–63.4	1,349	621	728	R–53.9	1,569	630	563	D–40.1
NM	418	201	211	R–50.5	457	168	251	R–54.9	514	202	307	R–59.7	497	237	261	R–52.4	570	262	213	R–45.9
AZ	743	296	419	R–56.4	874	247	530	R–60.6	1,026	334	681	R–66.4	1,142	447	694	R–60.8	1,487	543	572	R–38.5
UT	541	182	338	R–62.4	604	124	440	R–72.8	630	155	469	R–74.5	634	207	427	R–67.4	744	183	323	R–43.4
NV	202	92	101	R–50.2	248	67	155	R–62.5	287	92	189	R–65.8	339	133	206	R–60.8	506	189	176	D–37.4
Pac	**10,867**	**5,140**	**5,364**	**R–49.4**	**11,973**	**4,369**	**6,177**	**R–51.6**	**13,159**	**5,476**	**7,528**	**R–57.2**	**12,458**	**6,123**	**6,335**	**R–50.9**	**15,514**	**6,993**	**5,076**	**D–45.1**
WA	1,556	717	778	R–50.0	1,742	650	865	R–49.7	1,884	807	1,052	R–55.8	1,645	845	800	D–51.3	2,288	993	731	D–43.4
OR	1,030	490	492	R–47.8	1,182	457	571	R–48.3	1,227	536	686	R–55.9	1,093	575	518	D–52.6	1,463	621	476	D–42.5
CA	7,867	3,742	3,882	R–49.3	58,587	3,084	4,525	R–52.7	9,505	3,923	5,467	R–57.5	9,205	4,448	4,756	R–51.7	11,132	5,121	3,631	D–46.0
AK	124	44	72	R–57.9	158	42	86	R–54.3	208	62	138	R–66.7	165	62	102	R–62.2	259	78	102	R–39.5
HI	291	147	140	D–50.6	303	136	130	D–44.8	336	147	185	R–55.1	351	192	159	D–54.8	373	179	137	D–48.1

Region Division, and State	1996				2000				2004			
	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party	Total [1]	Democratic Party	Republican Party	Percent for leading party
U.S.	**96,273**	**47,401**	**39,197**	**D–49.2**	**105,594**	**50,996**	**50,465**	**D–48.4**	**122,349**	**58,894**	**61,872**	**R–50.6**
Region:												
Northeast	19,601	10,862	6,607	D–55.4	21,175	11,660	8,215	D–55.1	23,500	12,868	I32,984	I33–54.7
Midwest	24,953	12,076	10,151	D–48.4	26,995	12,845	13,155	R–48.7	30,935	14,962	15,702	R–50.7
South	31,755	14,850	14,346	D–46.8	35,390	15,694	18,887	R–53.4	42,088	18,173	23,591	R–56.1
West	19,964	9,613	8,093	D–48.2	22,011	10,638	10,181	D–48.3	25,801	12,866	12,567	D–49.7
N. Eng	**5,703**	**3,237**	**1,769**	**D–56.8**	**6,116**	**3,280**	**2,247**	**D–53.6**	**6,672**	**3,839**	**2,715**	**D–57.5**
ME	606	313	186	D–51.6	651	319	286	D–49.1	740	396	330	D–53.6
NH	499	246	196	D–49.3	569	266	273	R–48.1	678	340	331	D–50.2
VT	258	138	80	D–53.4	294	14	119	D–50.6	312	184	121	D–58.9
MA	2,556	1,572	718	D–61.5	2,734	1,616	878	D–59.8	2,927	1,803	1,071	D–61.6
RI	390	233	105	D–59.7	409	249	130	D–61.0	437	259	169	D–59.4
CT	1,393	736	483	D–52.8	1,459	816	561	D–55.9	1,578	857	693	D–54.3
Mid. Atl	**13,898**	**7,624**	**4,838**	**D–54.9**	**15,059**	**8,380**	**5,968**	**D–55.6**	**16,828**	**9,029**	**7,269**	**D–53.6**
NY	6,316	3,756	1,933	D–59.5	6,960	4,107	2,403	D–60.2	7,448	4,180	2,806	D–56.1
NJ	3,076	1,652	1,103	D–53.7	3,187	1,788	1,284	D–56.1	3,611	1,911	1,670	D–52.9
PA	4,506	2,216	1,801	D–49.2	4,912	2,485	2,281	D–50.6	5,769	2,938	2,793	D–50.9
E. No. Cent	**17,026**	**8,439**	**6,780**	**D–49.6**	**18,472**	**9,085**	**8,804**	**D–49.2**	**21,205**	**10,569**	**10,474**	**D–49.8**
OH	4,534	2,148	1,860	D–47.4	4,701	2,183	2,350	R–50.0	5,627	2,741	2,859	R–50.8
IN	2,135	887	1,007	R–47.1	2,199	901	1,245	R–56.6	2,468	969	1,479	R–59.9
IL	4,311	2,342	1,587	D–54.3	4,742	2,589	2,019	D–54.6	5,274	2,891	2,345	D–54.8
MI	3,849	1,990	1,481	D–51.7	4,232	2,170	1,953	D–51.3	4,839	2,479	2,313	D–51.2
WI	2,196	1,072	845	D–48.8	2,598	1,242	1,237	D–47.8	2,997	1,489	1,478	D–49.7
W. No. Cent	**7,927**	**3,637**	**3,371**	**D–45.9**	**8,523**	**3,760**	**4,351**	**R–51.1**	**9,730**	**24,393**	**5,228**	**R–53.7**
MN	2,193	1,120	766	D–51.1	2,438	1,168	1,109	D–47.9	2,828	1,445	1,346	D–51.1
IA	1,234	620	493	D–50.3	1,353	638	634	D–48.5	1,506	741	751	R–49.9
MO	2,158	1,026	890	D–47.5	2,359	1,111	1,189	R–50.4	2,731	1,259	1,455	R–53.3
ND	266	107	125	R–46.9	288	95	174	R–60.7	312	111	196	R–62.9
SD	324	139	151	R–46.5	316	118	190	R–60.3	388	149	232	R–59.9
NE	677	237	363	R–53.7	697	231	433	R–62.2	778	254	512	R–65.9
KS	1,074	388	583	R–54.3	1,072	399	622	R–58.0	1,187	434	736	R–62.0
So. Atl	**16,558**	**7,897**	**7,294**	**D–47.7**	**18,783**	**8,858**	**9,489**	**R–50.5**	**22,964**	**10,651**	**12,131**	**R–52.8**
DE	271	140	99	D–51.8	327	180	137	D–55.0	375	200	171	D–53.3
MD	1,781	966	682	D–54.3	2,025	1,144	813	D–56.5	2,384	1,334	1,024	D–56.0
DC	186	158	17	D–85.2	201	171	18	D–85.2	227	202	21	D–89.2
VA	2,417	1,091	1,138	R–47.1	2,739	1,217	1,437	R–52.5	3,195	1,454	1,716	R–53.7
WV	636	328	234	D–51.5	648	295	336	R–51.9	755	326	423	R–56.1
NC	2,516	1,108	1,226	R–48.7	2,914	1,257	1,631	R–56.0	3,501	1,525	1,961	R–56.0
SC	1,151	506	573	R–49.8	1,383	566	786	R–56.8	1,617	661	937	R–58.0
GA	2,299	1,054	1,081	R–47.0	2,583	1,116	1,419	R–54.7	3,301	1,366	1,914	R–58.0
FL	5,301	2,546	2,243	D–48.0	5,963	2,912	2,912	R–48.8	7,609	3,583	3,964	R–52.1
E. So. Cent	**5,711**	**2,602**	**2,696**	**R–47.2**	**6,280**	**2715**	**3,446**	**R–54.9**	**7,254**	**2,898**	**4,301**	**R–59.3**
KY	1,389	637	623	D–45.8	1,544	638	872	R–56.5	1,795	712	1,069	R–59.5
TN	1,894	909	864	D–48.0	2,076	981	1,061	R–51.1	2,437	1,036	1,384	R–56.8
AL	1,534	662	769	R–50.1	1,666	692	941	R–56.5	1,883	693	1,176	3R–62.5
MS	894	394	440	R–49.2	994	404	572	R–57.6	1,139	457	672	R–59.0
W. So. Cent	**9,487**	**4,351**	**4,356**	**R–45.9**	**10,327**	**4,121**	**5,942**	**R–57.5**	**11,870**	**4,624**	**7,159**	**R–60.3**
AR	884	475	325	D–53.7	921	422	472	R–51.3	1,054	469	572	R–54.3
LA	1,784	928	713	D–52.0	1,765	792	927	R–52.6	1,943	820	1,102	R–56.7
OK	1,207	488	582	R–48.3	1,234	474	744	R–60.3	1,463	503	959	R–65.6
TX	5,612	2,460	2,736	R–48.8	6,407	2,433	,799	R–59.3	7,410	2,832	4,526	R–61.1
Mt	**5,711**	**2,435**	**2,649**	**R–46.4**	**6,374**	**2,526**	**3,489**	**R–54.7**	**7,944**	**3,326**	**4,504**	**R–56.7**
MT	407	168	180	R–44.1	410	137	240	R–58.4	450	173	266	R–59.1
ID	492	165	257	R–52.2	501	138	336	R–67.2	598	181	409	R–68.4
WY	212	78	105	R–49.8	213	60	147	R–67.8	243	70	167	R–68.7
CO	1,511	671	692	R–45.8	1,741	738	883	R–50.8	2,129	1,001	1,101	R–51.7
NM	556	273	233	D–49.2	598	286	286	D–47.9	756	370	376	R–49.8
AZ	1,404	653	622	D–46.5	1,532	685	781	R–51.0	2,012	893	1,104	R–54.9
UT	666	222	362	R–54.4	770	203	515	R–66.8	927	241	663	R–71.5
NV	464	204	199	D–43.9	609	279	301	R–49.5	829	397	418	R–50.5
Pac	**14,253**	**7,178**	**5,444**	**D–50.4**	**15,637**	**8,112**	**6,692**	**D–51.9**	**17,857**	**9,540**	**8,063**	**D–53.4**
WA	2,254	1,123	841	D–49.8	2,487	1,247	1,108	D–50.2	2,859	1,510	1,304	D–52.8
OR	1,378	650	538	D–47.2	1,533	720	713	D–47.0	1,836	943	866	D–81.3
CA	10,019	5,120	3,828	D–51.1	10,965	5,861	4,567	D–53.4	12,421	6,745	5,509	D–54.3
AK	242	80	123	R–50.8	285	79	167	R–58.6	312	111	190	R–62.5
HI	360	205	114	D–56.9	367	205	137	D–55.8	429	231	194	D–54.0

[1] Includes other parties. [2] Based on unofficial returns compiled by the News Election Service. Source: Congressional Quarterly, Inc., Washington, DC, *Congressional Quarterly Weekly Report,* vol. 46, No. 46, Nov. 12, 1988. (Copyright.)

SOURCE: Statistical Abstract of the United States, 1987, U.S. Dept. of Commerce, Bureau of the Census, 1972, U.S. Congress, Clerk of the House, *Statistics of the Presidential and Congressional Election of Nov. 7, 1972* (in some cases, figures have been revised by Elections Research Center, Washington, D.C.); thereafter, Elections Research Center, Washington, D.C., *America Votes,* biennial (copyright) and Congressional Quarterly, Inc.